

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 32 OF 2021

In the matter of excess billing

Mehboob Ali Riyasat Ali Khan Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Mumbra (MSEDCL)..... Respondent

Appearances:

Appellant : Parvez Ansari, Representative

Respondent : 1. Ajay Bhasakhetre, Addl. Executive Engineer, Bhiwandi
2. Mahesh Ghagare, Manager, Torrent Power Ltd.

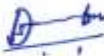
Coram: Deepak Lad

Date of hearing: 17th & 18th June 2021

Date of Order : 1st July 2021

ORDER

This Representation is received on 12th March 2021 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the Order dated 13th January 2021 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum).


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Secretary
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Preamble

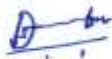
During scrutiny it was noticed that the Appellant is in arrears of outstanding dues of Rs.1,70,385/- as per the order of the Forum. Out of which, the Appellant paid Rs.1,34,640/- and balance remained to be paid. Notice was served on 24.03.2021 for payment of deposit as per Regulation 17.9(f) of CGRF Regulations 2006. It was confirmed that this balance amount is on account of interest which is waived of by the Forum. Therefore, the Appellant was not required to pay deposit. This verification took some time and therefore, this Representation came to be registered on 29.04.2021.

2. The Forum, by its order dated 13.01.2021 has partly allowed the grievance application in Case No.32 of 2020. The operative part of the order is as below:

“2. The applicant consumer is here by directed to pay the arrears without any interest and PD charges as given by respondent within one month and then after payment of all actual billing charges the respondent is herewith directed to restart the PD connection immediately.”

3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating in brief as under: -

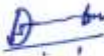
- (i) The Appellant is a residential Consumer (No.000550523604) from 04.04.2012 having sanctioned load of 0.5 KW at C/701, Royal Garden, Talav-Pali, Kausa. Thane.
- (ii) The Appellant was billed as per actual meter reading till January 2016. The Respondent replaced meter (No.00023263) by meter No. 03400433 of Pal Mohan Make in February 2016.
- (iii) The Appellant received excessive bill of 3442 units for Rs.36,460/- in the month of October 2016 and was shocked to see such high bill. This clearly indicates that the counter of his meter has jumped. Immediately, the Appellant rushed to the Respondent`s office and requested to test the meter. The Respondent assured to test the meter and revise the bill accordingly. However, the Respondent did not test the meter nor the excess bill was revised. The Appellant protested vide letter dated 31.07.2017 requesting again to check the meter, replace the said meter and revise


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the bill as per actual load and resolve the complaint. The Respondent directed its staff on 20.09.2017 to test the meter in the meter testing laboratory, however, the meter was not tested. Finally, the Respondent carried out a series test of the meter from 30.11.2017 to 08.12.2017 which recorded only 47 units for these eight days. This means consumption pattern is about 180 units per month. However, the meter appears to be recording inconsistently. The Respondent did not revise the bill as per actual load.

- (iv) Thereafter, the Appellant filed the grievance application with the Internal Grievance Redressal Cell (IGRC) on 07.05.2018. The IGRC vide its order dated 27.06.2018 has not given any relief. Aggrieved by this, the Appellant approached the Forum on 23.11.2020. The Forum, by its order dated 13.01.2021 has partly allowed the grievance by waiving interest component only. However, the Forum failed to appreciate that the said meter was recording erratic and jumping many times from October 2016 onwards.
- (v) There are only two persons in the family. The actual load is 1.43 KW only. The A.C. was purchased in September 2017 and used occasionally.
- (vi) It is very difficult to prove the jumping of the meter but circumstances of the recorded units prove that the jumping of meter has happened several times. The case of the Appellant is similar to a case of defective meter. The Appellant is to be billed on average basis as per load calculation and working hours from October 2016 to 17.09. 2018.
- (vii) The Respondent disconnected the supply of the Appellant on 17.09.2018 by removing the meter.
- (viii) The Applicant submitted that, the Appellant was out of town for 2 years from January 2018 due to health problem followed by lockdown. The Appellant has started residing in the society from October 2020. The Appellant has kept on record the Society's letter dated 25.11.2020.
- (ix) The Respondent never tested the meter in Testing Laboratory.
- (x) The Appellant prays that the Respondent be directed to revise the bill as per assessment of load from October 2016 to 17.09.2018.

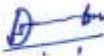

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4. Torrent Power Ltd.(TPL), the Disyribution Franchisee of the Respondent MSEDCL filed its reply letter dated 15.06.2021 stating that it has been appointed as the Distribution Franchisee by the Respondent MSEDCL for the purpose of operation and maintenance of supply along with its billing to the consumers in Shil, Mumbra and Kalwa area . TPL has taken over the charge as Distribution Franchisee from 01.03.2020. The subject matter of the Appellant is prior to taking over as Distribution Franchisee. The TPL clarifies that the Appellant has outstanding dues from November 2016.

5. The Respondent MSEDCL filed its reply dated 17.05.2021 stating in brief as under: -

- (i) The Appellant is a residential Consumer (No 0000550523604) from 04.04.2012 having sanctioned load of 0.5 KW at C/701, Royal Garden, Talav-Pali, Kausa. Thane.
- (ii) The Respondent issued monthly bill to the Appellant as per actual meter reading till January 2016. The meter (No. 00023263) of the Appellant was replaced by meter No. 03400433 of Pal Mohan Make in February 2016.
- (iii) The bill of the Appellant was issued on average basis for three months from June 2016 to September 2016. The Appellant was billed as per actual reading in October 2016 for four months refunding the average bill of three months i.e. June 2016 to September 2016. The Appellant was billed as per actual readings from November 2016 to September 2018.
- (iv) The last payment made by the Appellant was on 28.11.2016 and thereafter, the bills were not paid. The supply of the Appellant was permanently disconnected on January 2019. The Appellant`s outstanding dues is of Rs. 1,70,385/-.
- (v) Further, the MSEDCL arrears are to be recovered as per Section 170 of the Electricity Act, 2003 which states that
“Any penalty payable by a person under this Act, if not paid may be recovered as if it were an arrears of land revenue.”
- (vi) Further, as per guidelines mentioned by MSEDCL in the Circular No 19021 dated 06.07.2013, the Appellant is liable to clear dues of the permanently disconnected services.

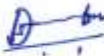

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- (vii) The Appellant filed the grievance application with the IGRC on 07.05.2018. The IGRC vide its order dated 27.06.2018 has rejected the grievance. Thereafter, the Appellant approached the Forum on 23.11.2020. The Forum, by its order dated 13.01.2021 has partly allowed the grievance and directed to pay the arrears without any interest and permanent disconnected (PD) charges and after payment of all actual billing charges, it is directed to reconnect the Appellant's supply immediately.
- (viii) The Respondent appointed TPL as Distribution Franchisee. The electricity distribution and billing in Shil, Mumbra and Kalwa area has been handed over to TPL for a period of 10 years along with the assets of Distribution Network. The present dispute of the Appellant is for the period before March 2020 and from March 2020 onwards, the bills are issued by TPL.
- (ix) The Respondent requested to consider the facts and situation mentioned above.

6. The hearing was held on 17.06.2021 through video conferencing due to Covid-19 epidemic. However, there was an issue of clarity in communication and it was postponed for physical hearing next day at TPL Office, Kalwa. Hence, physical hearing was held on 18.06.2021 at TPL Office, Parsik Nagar, Kalwa with due care under Covid-19 protocol.

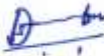
7. During the hearing, the Appellant argued that the Respondent did not test the disputed meter No.03400433 which had jumped in October 2016 and started recording erratically from October 2016 onwards. The Appellant's family is small having two members and having limited gadgets of electricity. There was no excess use. It clearly indicates that the meter was not recording properly. The Appellant requested to test the meter in testing laboratory and replace the same. Though, the Respondent carried out series test of the meter for 8 days, it was not sufficient to ascertain the erratic behaviour of the meter. The Appellant purchased A.C. in 2017 and was using occasionally, however, the meter was recording erratically. The Appellant submitted that, the Appellant was out of town for 2 years due to health problem and lockdown. The Appellant returned and started residing from October 2020. The series test report consumption shows 47 units in 8 days. The Respondent never tested the meter in Testing


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Laboratory. The Appellant prays that the Respondent be directed to revise the bill as per assessment of load from October 2016 to 17.09.2018.

8. The Respondent MSEDCL argued that the Appellant has consumed 581 units for the month of March 2016 and paid the bill. The Appellant was billed only for 67, 228 and 82 units for April, May and June 2016 respectively. The Appellant was billed on average basis of 126 units from July 2016 to September 2016. The consumption in October 2016 was 3442 units which was accumulated consumption for four months. The billing system has auto generated the refund of average billing in the bill of October 2016. In addition, the Respondent has split up the bill of October 2016 from April 2016 to October 2016 to give slab benefits of tariff in the interest of the consumer. In fact, the grievance was solved. The Respondent pointed out that the Appellant by his letter dated 23.11.2017 requested to install series meter for revision in the bill. As per the request of the Appellant, Series Meter No. 40420120 was installed on 30.11.2017. Both the meters are recording the same consumption. Hence, the said Series Meter was removed on 08.12.2017. Both the meters have recorded 47 kwh units for eight days. Therefore, the meter was not sent for testing in the Meter Testing Laboratory. The Appellant did not pay the outstanding dues and therefore, his supply was temporarily disconnected on 17.09.2018 by removing the meter and then permanently disconnected in January 2019. The Respondent clarifies that the Appellant was billed on actual reading from November 2016 to September 2018. The Appellant filed the grievance against excess bill of October 2016 with the IGRC. However, the Appellant filed this representation with different prayers in the instant representation. The grievance of the Appellant is also time barred. The Forum has already given benefit by waiver of interest. The Respondent issued provisional bill of Rs.1,34,640/- vide letter dated 22.01.2021. The Appellant has paid the same and his connection is reconnected on 24.02.2021 by the distribution franchisee, TPL. The Respondent prays that the representation of the Appellant be rejected.


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Analysis and Ruling


9. Heard the parties and perused the documents on record. Basically, the Appellant has raised the issue of excess bill for the month of October 2016 and he filed the grievance before the Forum on 23.11.2020. The Forum has decided the case considering that the connection is PD and passed necessary relief in favour of the Appellant.

10. The representation does not stand scrutiny on merits as the Respondent has established that the consumption recorded by the impugned meter of the Appellant fully tallies with that of the series meter which was installed to ascertain the correctness of the impugned meter. Moreover, the Forum has recorded in paragraph 4 of its order that the representative of the consumer informed that the Appellant is ready to pay actual bill excluding interest and PD charges.

11. I therefore do not find it necessary to interfere with the order of the Forum. However, I would like to add that the Forum should be very cautious while exercising its judicial liberty in ordering reconnection of permanently disconnected consumers, as PD consumers cannot be reconnected with the same consumer number if the period of PD is more than six months. Moreover, if the PD consumer is to be connected within the period of six months from the date of PD, then fixed charges ought to be recovered. The order of the Forum in this case did not touch upon the above issues and leads to ambiguity. Respondent also miserably failed to apprise the Forum about the various regulatory provisions. On enquiry with the Respondent, it was informed that the Appellant in this case is not reconnected but given a new connection by recovering necessary charges as applicable for new connection.

12. The Representation is disposed of as above.

Sd/-
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