

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 65 OF 2022

In the matter of high bill

Rameshchandra Mishra Appellant

V/s.

Adani Electricity Mumbai Limited (AEML)..... Respondent

Appearances:

Appellant : Rameshchandra Mishra

Respondent :1. Mritunjay Kumar Jha, Nodal Officer, AEML
2. Shrikant Pathak, Assistant Vice President

Coram: Vandana Krishna (Retd I.A.S.)


Date of hearing : 4th July 2022

Date of Order : 26th July 2022

ORDER

This Representation is filed on 20th May 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 30th March 2022 passed by the Consumer Grievance Redressal Forum, AEML (the Forum).


2. The Forum, by its order dated 30.03.2022 has dismissed the Grievance Application No. 01016/2022.


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3. The Appellant filed this representation against the order of the Forum. The hearing was held on 05.07.2022 through Video Conference. Both the parties were present. The Appellant's written submission and arguments in brief is stated as below: -

- (i) The Appellant is a commercial consumer (CA No. 152744657) with Meter No. 9060316 having connected load of 11 KW at 387, B-4, Churiwadi Gayadin Compound off Aarey Road near Sunkala Ind. Estate, Goregaon (East).
- (ii) There was no display on the Meter No. 9060316 from January 2021 to June 2021, and it was intimated to the Respondent to check the meter and replace the defective meter.
- (iii) The Respondent billed in the month of July 2021 for Rs.1,30,630/-of 14,278 units consumption. The bill was excess and was wrong as there was no display on the Meter No. 9060316.
- (iv) The Appellant by his letter dated 06.10.2021 requested to clarify the discrepancy in the bill. When there was no consumption from January 2021 to June 2021, then how these 14,278 units came on record when meter had no display.
- (v) There is no satisfactory reply furnished by the Respondent. The Appellant is unaware that the meter was sent to the testing laboratory.
- (vi) The undated letter for admitting the liability and payment of dues was given by the Appellant under pressure and threats, and to ensure to get the electric supply at least to one of the two existing units.
- (vii) The outstanding dues are not acceptable. Further, the outstanding dues of one connection transferred to another connection of Ramesh Chandra and Co., was unilaterally done by the Respondent which is not acceptable. Since the CA number 152781790 was restored on 04.04.2021 by installing Meter No.9144829 and functioning well, the question of shifting of load of CA number 152744657 to this CA number 152781790 does not arise.
- (viii) The disconnection threat was given without proper notice, that too when the case was under grievance mechanism. The Secretariat of the office of the Electricity Ombudsman (Mumbai) has intervened and after payment of 50 % of outstanding dues, the disconnection threat was temporarily suspended by the Respondent.


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- (ix) The Appellant prays that the Respondent be directed
- a) to raise the bill of displayed consumption
 - b) to waive off total arrears which was transferred from one to other connection.
 - c) To pay suitable compensation towards physical and mental torture.


4. The Respondent filed its reply by its letter dated 18.06.2022. The e-hearing was held on 05.07.2022 through Video Conference where both the parties were heard. The Respondent's submission and arguments in brief is as below: -

- (i) The Appellant has alleged before the Forum that an exorbitant bill for the month of July 2021 has been raised on CA No. 152744657 under Commercial category in the name of Ramesh Chandra Mishra at 387, B-4, Churiwadi, Gayadin Compound off Aarey Road near Sunkala Ind. Estate, Goregaon (East). There is another connection in the name of Ramesh Chandra and Co having CA No. 152781790 which also belongs to the Appellant having address of 387, Churiwadi, Gayadin Compound.

Preliminary Submissions: -


- (ii) The present representation is totally misconceived and frivolous, vexatious, malafide; and without any sufficient cause; and liable to be rejected. The Respondent craves leave to rely upon the Regulation 7.9 of the CGRF & EO Regulations 2020.
- (iii) The Appellant has submitted an undated letter with the Manager, Adani Electricity Mumbai Ltd, Dindoshi Office about payment of electricity bill of CA No. 152781790, wherein the Appellant has inter alia accepted and mentioned that he has paid amount of Rs. 77700/- by Demand Draft (DD), and is ready to pay the full outstanding amount in instalments. As such it is clear that the Appellant has, by his own will and without any duress, paid the amount by way of DD and further accepted and assured to pay the remaining overdue amount in instalments. The present representation filed by the Appellant is an afterthought, which is vexatious representation without any sufficient cause and hence in view of Regulations 7.9 and 19.25 of the CGRF & EO regulations 2020, the same is liable to be rejected.

Submission on merit:


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- (iv) As per complaint received from the Appellant of no display of meter, the Respondent deputed its personnel to visit the site and checked Meter No. 9060316 (CA No152744657). During site visit and checking of meter, the Respondent noted that 5.65, 6.35 and 14.33 Amp. current was flowing through the meter. It was also found that electroplating works was in progress at the premises and meter display was found faded. The Meter Reading Instrument (MRI) of the meter was done on 11.08.2021. The Respondent put up on record a copy of MRI Report.
- (v) The Respondent issued a bill of 14278 units for Rs. 1,30,639/- as per MRI Report for the month of July 2021.
- (vi) Pursuant thereto, Meter No. 9060316 (CA No152744657) was replaced by a new Meter No. 9103669 on 16.08.2021 due to no display. The old meter was sent to the Meter Testing Laboratory of AEML, and the representative of the Appellant was asked to remain present during meter testing, however he did not wish to join the meter testing as mentioned in letter dated 18.10.2021 issued by the Respondent.
- (vii) The Appellant lodged a high billing complaint on 28.08.2021. Accordingly, the Respondent deputed its personnel for site visit to check the meter on 28.08.2021, however the meter cabin was found locked therefore the personnel of the Respondent visited the site again on 23.09.2021.
- (viii) The Appellant wrote a letter to the Respondent on 06.10.2021 requesting to clarify the issue of accumulated reading. The Respondent, by its letter dated 18.10.2021, explained the entire facts of accumulated consumption in the month of July 2020.
- (ix) The bill raised to the Appellant was as per the recorded reading in the meter, and hence the Appellant is liable to pay the entire bill amount along with the delayed payment charges and interest on arrears in accordance with the provisions of law and regulations.
- (x) There is another connection CA No. 152981790 for the adjacent premises. After disconnection of the electric supply of CA No 152781790 in Dec. 2020 due to non-payment of outstanding dues of Rs 3,54,240/-, the Appellant illegally shifted his entire load on Meter No. 9060316 (CA No. 152744657), and he started using electricity through CA No. 152744657 from January 2021. The meter for CA


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No.152781790 was reconnected on 04.04.2021. Thereafter the consumption on Meter No 9060316 (CA No. 152744657) dropped considerably.

- (xi) The Appellant vide its undated letter has accepted his obligation and liability to pay the dues and requested the Respondent to give suitable instalments. The Appellant has paid Rs 77,700/- on 28.01.2022 and Rs. 60,000/- on 23.02.2022. Further the Appellant is liable to pay entire dues.
- (xii) During hearing before the Forum, the Forum granted an opportunity to both the parties to explore the possibility to resolve the issue amicably. On 15.03.2022, the Appellant submitted written Arguments for amicable settlement of the dispute between the parties. In the said written argument the Appellant has clearly mentioned in para no. 2 that “*At the outset we say we never complained about Bill raised, being exorbitant. All we sought by our letter dated 06.10.2021 was an explanation as how we were billed for the month of July 2021 for 14,278 units when the meter did not display the reading*”.
- The Appellant knowingly and intentionally for reasons best known to him, has not annexed the said arguments along with the present representation filed before this Hon’ble Authority. The same is kept on record. It is clarified that the respondent has on many occasions explained the entire facts to the Appellant, however, the Appellant is reluctant to understand the same, for reasons best known to him.
- (xiii) The Respondent submits that, the Forum has passed the order after careful consideration of the entire facts, documents on records, details and submissions made by the parties and there is no infirmity in the impugned order, therefore it is submitted that the order passed by the Forum does not warrant any interference.
- (xiv) The prayer of the Appellant is denied in toto. The Appellant is not entitled for any compensation as prayed for.
- (xv) Under the circumstances, the present Representation is untenable in law and on facts and hence ought to be dismissed with exemplary costs.


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Analysis and Ruling


5. Heard the parties and perused the documents on record. The Appellant is a commercial consumer (CA No.152744657) having connected load of 11 KW at 387, B-4, Churiwadi Gayadin Compound off Aarey Road near Sunkala Ind. Estate, Goregaon (East). The Appellant has another electric connection (CA No. 152781790) at 387, Churiwadi Gayadin Compound. The details of both connections are tabulated as below: -

Consumer Account No.	152744657	152781790
Name	Rameshchandra Mishra	Rameshchandra and Co
Address	387-B4 Churiwadi, Gayadin Comp,Off Aarey Road,Goregaon (East)	387, Churiwadi, Gayadin Comp Service No. 20, Off Aarey Road,Goregaon (East)

6. The Appellant contended that there was no display of reading on the meter No. 9060316. No satisfactory explanation was given by the Respondent that how it was billed for 14278 units in July 2021. Even without the consent of the Appellant, the Respondent had transferred the outstanding bill of Rs.1,80,210/- of C.A. No. 152744657 to C.A. No. 152781790 when there is no relation between the two connections.

7. The Respondent contended that the electric connection (CA No. 152781790, Meter No. 9131490) was in arrears of Rs.3,54,240/-. The supply of this connection was disconnected in the month of December 2020. The load of this CA No. 152781790 was illegally transferred by the Appellant to CA No. 152744657 in January 2021 up to March 2021. The CA No. 152781790 was further reconnected in April 2021.

8. Considering the submissions of both the parties, the consumption pattern of CA No. 152781790 and CA No. 152744657 is tabulated in Table 1 and 2 respectively as below: -


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Table 1

Name : Rameshchandra and Co, Consumer Account No. 152781790											
Month	Sep-20	Oct-20	Nov-20	Remarks	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21
Initial Reading (kwh)	3	1574	8228	Disconnected in Dec. 2020 & Reconnected in April 2021	4123	4212	7184	10558	15093	20890	26074
Current Reading (kwh)	1574	8228	14399		4212	7184	10558	15093	20890	26074	32309
Difference (Units)	1571	6654	6171		89	2972	3374	4535	5797	5184	6235

Table 2


Name: Rameshchandra Mishra, Consumer Account. No. 152744657														
Month	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Final bill	Aug-21	Sep-21	Oct-21**
Initial reading	5631	5872	6097	6522	6522	6522	6522	6522	6522	6522	20800	4533	5201	6551
Current Reading	5872	6097	6522	6522	6522	6522	6522	6522	6522	20800	22565	5201	6551	7795
Cons. (Units)	241	225	425	0	0	0	0	0	0	14278 *	1765	668	1350	1244
Remarks	*Accumulated consumption from January 2021 to July 2021 **Supply was disconnected in October 2021.													

As seen above, the history of events seems to be as follows.

Due to unpaid arrears of Rs. 3,54,240/- on CA No. 152781790, it was disconnected in Dec.2020. Prior to that, the consumption pattern seems to be in the range of 6000 to 7000 units per month. Thereafter, the load of CA No. 152781790 might have been transferred by the Appellant on to CA No. 152744657 from January 2021 onwards.

Unfortunately, this higher load on CA No. 152744657 could not be directly recorded as the meter display had faded, which might be connected with the electroplating works in progress at the premises.

It was a mistake of the Respondent to bill the Appellant with zero consumption for CA No. 152744657 from Jan.2021 to June 2021. If the meter display had faded, the bill could have been based on the previous average. Fortunately, the MRI Data was downloaded and is available, and the event history was recorded that there was consumption for this period.


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Considering the MRI data of Meter No. 9060316 of C.A. No. 152744657, it is crystal clear that there was consumption of 14278 (20800- 6522) units.

If the load of CA No. 152781790 was shifted to CA No. 152744657, and if this load was in the range of 6000 to 7000 units per month, it would amount to a total consumption of 6000 x 6 months = 36,000 units for the period of January 2021 to June 2021. The MRI recorded consumption is 14,278 units. There is no reason to disbelieve or disregard this evidence.


9. After considering all the above facts, it is directed that –

- a) the Respondent is directed to waive off the Interest and Delayed Payment Charges from July 2021 onwards for the C.A. No. 152744657.
- b) The Appellant to clear outstanding dues of CA No. 152781790. The Appellant may be granted suitable 5 equal monthly instalments without DPC and interest on the component of instalments as there were transfer of arrears.
- c) Respondent to submit its compliance report within two months from the date of this order.

10. The Representation is disposed of accordingly. The Forum's order is modified to the extent above.

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

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

