

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 85 OF 2023

In the matter of high billing

Ashok S. Salunkhe.....Appellant
(Service No.000460484171)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Thane Urban Circle (TUC) Respondent
(MSEDCL)

Torrent Power Limited (TPL), Distribution Franchisee, Shil, Mumbra, Kalwa

Appearances:

Appellant : 1. Ashok S. Salunkhe

Respondent : 1. Ajay N. Bhasaketre, Addl. Executive Engineer, TUC, MSEDCL
2. Mahesh Ghagare, Manager, TPL
3. Zahir Sayyad, Manager, TPL


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 27th October 2023

Date of Order : 20th November 2023

ORDER

This Representation was filed on 25th August 2023 under Regulation 19.1 of the
Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 24th July 2023 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup (the Forum). The Forum dismissed the grievance of the Appellant.

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical hearing was held on 27th October 2023 where all the parties were present. The Appellant's submissions and arguments are as follows: -

- (i) The Appellant is a residential consumer (Service No. 000460484171) at 304/E, 3rd floor, Ganraj Complex, Agasan Road, Diva (E), Thane. The Appellant is a senior citizen and regular in payment of electricity bills.
- (ii) The meter (No. 9800475229) was defective and hence the Respondent replaced this meter by a new meter (No. 7640699438) on 24.03.2019. The same meter is working at present.
- (iii) The Respondent issued very high bills (The Appellant has not clarified the period of the high bills.) The Appellant has paid a huge amount to the MSEDCL and TPL. Even then the Respondent showed outstanding dues of Rs.32,947/- in the month March 2023. The Appellant has paid current bills regularly. Hence, there is no question of outstanding dues. This might have happened due to a mistake in internal calculations.
- (iv) In view of the above, the Appellant prays that the Respondent TPL be directed to withdraw the outstanding dues of Rs.33,498/- (as in August 2023) in toto along with interest and delayed payment charges.


3. The Respondent MSEDCL and its Franchisee, TPL filed their written replies dated 06.10.2023 and 08.09.2023 respectively. The Respondent's written submissions along with their arguments on 27.06.2023 are as below:


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- (i) TPL has been appointed as the Distribution Franchisee by the Respondent MSEDCL from 01.03.2020 for the purpose of operation and maintenance of electricity supply along with its billing to consumers in the area of Shil, Mumbra and Kalwa.
- (ii) The Appellant is a residential consumer (Service No. 000460484171) from 15.10.2012 having sanctioned load of 0.30 KW at 304/E, 3rd floor, Ganraj Complex, Agasan Road, Diva (E), Thane.
- (iii) The Appellant has raised the grievance of high bills for the period of April 2016 to July 2017 with TPL in the year 2022 & 2023, when TPL served disconnection notices for outstanding dues as per Section 56 (1) of the Electricity Act, 2003. The grievance was technically time barred as the cause of action arose in 2017. Regulation 6.6/ 7.8 of CGRF & EO Regulations 2006/2020 is reproduced 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.”*
- (iv) The Appellant filed a grievance application with the Forum on 15.02.2023 for high billing of 2016/2017. The Forum by its order has rightly dismissed the grievance application being time barred as per Regulation 6.6/ 7.8 of CGRF & EO Regulations 2006/2020. Hence, it is also time barred before the Electricity Ombudsman (Mumbai).
- (v) The Appellant was billed as per actual readings from the date of supply i.e., 15.10.2012 till May 2016. The earlier consumption pattern of the Appellant was in the range of 80 to 190 units per month.
- (vi) The bill of the Appellant was revised as below:

Table 1:



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Bill Revision Month	Period	Months	Meter Status	Billed with avg. cons./month	Revised Cons. (Avg./month)	Bill Revision Credit (Rs.)	Bill Details
Dec-19	Aug-17 to Dec-18	17	Faulty	566 Units	140 Units	(-)84,197.09	Bill revised from Rs. 1,41,290/- to about Rs. 57,907/- in Dec-19
Jan-23	Apr-16 to Jul-17	16	Faulty	122 units /month from Apr-16 to Jun-17 & 1582 units in Jul-17	99 Units	(-)37,209.13	Bill revised from Rs. 70,107/- to about Rs. 33,151/- in Jan-23
Total						(-)1,21,406.22	

From the above table, it can be seen that the second bill revision was done in Jan. 2023 in the interest of total settlement considering the consumption trend and to resolve the long pending billing dispute. Interest credit of (-) Rs. 18,255/- was also given by the System. The remaining bills were/are issued based on the actual consumption as per readings of the meter.

- (vii) The pending bill of Rs.1,41,290/- was 1st revised in December 2019 to about Rs.57,907/-. However, the Appellant did not clear this bill in toto. Further, he did not even clear the full current bills. As a result, the arrears accumulated to Rs.70,107/- in December 2022. This was revised to Rs.33,151/- in January 2023 in the interest of resolving the dispute. However, the Appellant continued to pay only a part of the bills. As a result, the outstanding arrears have increased to Rs.33,498/- as on August 2023.
- (viii) The Appellant was irregular in payment of bills till July 2021. After that, the Appellant started paying current bills regularly from August 2021 onwards till date but excluding electricity duty etc.
- (ix) In view of the above, the Respondent prays that the representation of the Appellant be dismissed.


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Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant is a residential consumer (Service No. 000460484171) from 15.10.2012 having sanctioned load of 0.30 KW at 304/E, 3rd floor, Ganraj Complex, Agasan Road, Diva (E), Thane.

5. The Appellant was billed with 'faulty' status, with consumption 566 units per month for the period from Aug-17 to Dec-18, 122 units /month from Apr-16 to Jun-17, & 1582 units in Jul-17. The said faulty bills were revised to 140 units and 99 units per month as per consumption trend in December 2019 and January 2023 respectively as shown in Table 1. A total credit of Rs.1.21 lakhs was also given to the Appellant. The final revised bill was issued in January 2023, while the Appellant approached the Forum in February 2023. Hence we hold that the grievance application is not time barred.

6. Except this period, the Appellant was billed as per actual consumption as shown in the CPL. **It is observed by a study of the CPL that the Appellant has paid bills randomly till July 2021, only after that did the Appellant start paying current bills regularly from August 2021 onwards, but still excluding electricity duty etc. This has resulted in accumulated arrears of Rs.33498/- in Aug. 2023, including the pending payment of current bills, electricity duty, interest etc.** The CPL was already handed over to the Appellant by the Respondent. Hence, he can verify the payments made by him. However, the Appellant represented his grievance on based general arguments without proper statistics.

7. Considering all these factors together, we hold that the actual bills issued are valid. However, it is also true that faulty and excessive bills were issued in the first place, showing much higher average consumption. Thus it will be in the interest of justice to withdraw the interest and DPC component of the bills which were issued to the Appellant for the period from 15.12.2021 till date. The Respondent has already waived of some part of the interest component in its bill revision of Jan. 2023.


(Dilip Dumbre)
Secretary
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8. The Forum has given a reasoned and speaking order. The order of the Forum is principally upheld, but modified to the extent below:

9. The Respondent is directed as under: -


- a) to withdraw the interest and delayed payment charges levied from 15.02.2021 (two years prior to the date of filing the grievance with Forum i.e., 15.02.2023) onwards till the date of this order.
- b) to allow the Appellant to pay the revised bill in five equal monthly instalments. If the Appellant fails to pay any instalment, proportionate interest will accrue, and the Respondent has the liberty to take action as per law.
- c) Compliance to be submitted within two months from the date of issue of this order.
- d) Other prayers of the Appellant are rejected.

10. The representation of the Appellant is disposed of as above.

11. The secretariat of this office is directed to refund the amount of Rs. 16000/- taken as a deposit to the Respondent to adjust in the ensuing bill of the Appellant.

Sd/-

(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

