BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 118 OF 2018

In the matter of defective meter and billing

Gopaldas H. Jaisinghani ..... Appellant

V/s

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

For Appellant : J. S. Rajput, Representative

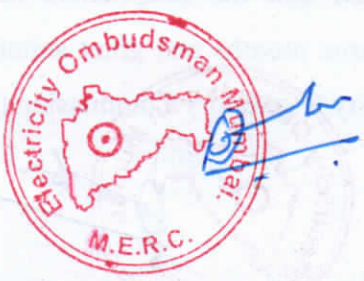
For Respondent : 1) M. S. Gawali, Addl. Ex. Engineer, Ulhasnagar, Sub-dn II
2) P. A. Bahirant, Deputy Manager, Ulhasnagar Dn-I
3) S. D. Sable, Asst. Accountant, Ulhasnagar, Sub-dn II

Coram: Mr. Deepak Lad

Date of Order: 14th June 2019

ORDER

This Representation is filed on 13th May 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 24th April 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone, (the Forum).



2. The Forum, by its order dated 24th April 2019 has partly allowed the grievance application and the operative part of the order is as below: -

> *"2. Distribution Licensee to apply Regulation 15.4.1 with the average consumption taken from available healthy period from Apr-2017 to Mar-2018, for months prior to 06/02/2019."*

2. Not satisfied with the Order of the Forum dated 24th April 2019, the Appellant has filed this representation stating as under: -

(i) The Appellant is a residential consumer (No. 021512047201) at Barrack No.331, Room No 2&3, Ulhasnagar from 17.05.2008.

(ii) The Appellant made application on 16.01.2019 for non-use of power at this premises to the Consumer Facilitation Centre (CFC) of the Respondent. The period of non-use shown was from July 2018 to January 2019. The said application was further forwarded to the concerned Sub Divisional Officer (SDO) of the Respondent by the CFC.

(iii) The Appellant was correctly billed for zero unit for the period from July 2018 to January 2019 due to non-use of power by the Appellant. As per the Respondent, the meter was found defective from July 2018 to January 2019. The faulty meter was thereafter replaced on 06.02.2019.

(iv) The Appellant made second application on 22.02.2019 for use of power at the premises to the Respondent.

(v) The Respondent wrongly issued assessment bill of Rs. 16680/- for 1185 units on 14.03.2019 for three months towards defective meter considering Regulation 15.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations).

(vi) There was written application for non-use period and hence the Respondent cannot issue bill on average basis for three months as per Regulation 15.4.1.

(vii) The Appellant approached the Forum on 08.04.2019. The Forum did not consider the non-use period.

(viii) The Appellant prayed that the Respondent be directed to withdraw the assessment bill of three months and grant suitable compensation as per the Maharashtra Electricity Regulatory Commission (Standards of Performance of

Distribution Licensees, Period of Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations).

3. Respondent filed written reply through its letter dated 29th May 2019 stating as follows:

(i) The Appellant is a residential consumer (No. 021512047201). The Appellant made application on 16.01.2019 for non-use of power at his premises to the CFC. The display of the meter of the Appellant was found blank during inspection and the Appellant was billed for zero unit for the period from July 2018 to January 2019. Hence, the meter was immediately replaced on 06.02.2019.

(ii) The Respondent issued assessment bill of Rs. 16680/- for 1185 units on 14.03.2019 for three months November 2018 to January 2019 towards defective meter calculated on the basis of average drawn for actual consumption for the period June 2017 to May 2018 as per Regulation 15.4.1 of the Supply Code Regulations.

(iii) The Appellant approached the Forum on 08.04.2019. The installation of the Appellant was re-inspected on 09.04.2019. It was confirmed that this property was not closed and was in use for the period from August 2018 to January 2019.

(iv) The second application of the Appellant dated 22.02.2019 for reuse of premises was misleading.

(v) As directed by the Forum the bill for three months is revised from 1185 units to 1218 units with the average consumption calculated on the basis of actual consumption recorded during the period from April 2017 to March 2018.

(vi) The revision of the bill is as directed by the Forum and in consonance with the Regulation 15.4.1 and therefore the representation is not tenable. The plea of the Appellant towards use and non-use of power is totally afterthought and false on the face of the record.

Analysis and Ruling

4. During the hearing the Appellant argued that he had informed the Respondent through CFC about non-use and subsequent use of power. This argument of the Appellant prima facie appears to be bunch of lies because application for non-use of power is always

submitted for prospective period and not for the past period. This is nothing short of a ploy to have undue enrichment by avoiding payment of average bill that would be levied on him.

5. The revision of the bill by the Respondent is as directed by the Forum and in pursuance to the Regulation 15.4.1. Therefore, I do not find it necessary to interfere with the order of the Forum.

6. The Representation is rejected.

Sd/
(Deepak Lad)
Electricity Ombudsman (Mumbai)

Electricity Ombudsman M.E.R.C.
Certified to be a true copy
(Shri D. S. Dumbre)
Secretary