

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 98 OF 2023

In the matter of high billing

Dilip Govind ManeAppellant

V/s

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

Appearances: -

Appellant : Dilip Govind Mane

Respondent: 1. Suresh Sawairam, Executive Engineer, Bhandup Dn.
2. Sandeep Dandawate, SDO

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

Date of hearing: 31st October 2023

Date of Order : 13th November 2023

ORDER

This Representation was filed on 12th September 2023 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 August 2023 passed by the Consumer Grievance Redressal Forum, MSEDCL Bhandup Zone (the Forum). The Forum partly allowed the grievance application

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of the Appellant in Case No. 37 of 023-24. The operative part of the order is reproduced below:


“2. The Respondent is directed to test the meter with accucheck machine in presence of the consumer if the Appellant so desires.

3. The Respondent is directed to test the meter at meter testing laboratory or at National Accreditation Board for Testing and Calibration Laboratory (NABL) as chosen by the consumer subject to payment of testing charges by the consumer.

4. The Respondent is directed to investigate the issue of non-accepting the complaint of the consumer at their office and to initiate the action against the defaulter.”

2. Aggrieved by the order of the Forum, the Appellant filed this representation. The e-hearing was held on 31.10.2023 through video conference. Both the parties were heard at length. The Appellant’s written submissions and arguments are as below:


- (i) The Appellant is a residential consumer (No. 000059235397) from 01.12.2007 having sanctioned load of 4 KW at C-1402, Asha Kung Samarth Garden, Plot No.8, Datta Mandir, Bhandup. The Appellant is regular in payment of electricity bills.
- (ii) The Appellant received a high bill for the month of May 2023 and subsequently for June 2023. The Appellant was shocked to see such high bills, as his family members were out of the city in May & June 2023, and there would have been hardly any use of electricity.
- (iii) The Appellant tried to register a complaint of high bill online on 21.06.2023 at the Respondent’s Call Centre for possible malfunctioning of the meter. However, the operator on duty refused to register his complaint. After 8 to 10 attempts, finally the complaint was accepted.
- (iv) However, on the second day, the complaint was ‘closed’ without any checking/testing


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Secretary
Electricity Ombudsman Mumbai



of the meter in the premises. So, the Appellant again raised the complaint online. However, the complaint was 'cancelled' within 20 minutes, on the ground that the meter reading was proper.

- (v) On the third day, the Appellant visited the office of the Respondent at Pannalal Sub-division. However, the Officer of the Respondent was reluctant to discuss the complaint of possible meter tampering and that it needed to be inspected thoroughly. No action was taken.
- (vi) Finally, the Appellant approached the Office of the Chief Engineer, Bhandup. The Chief Engineer entertained his complaint and initiated the process of resolving the complaint, by assigning the work to the concern Jr. Engineer Shri Aditya Jadhav, to inspect the site and test the meter.
- (vii) However, the Jr. Engineer did not turn up for the assigned work for the next 3-4 days, nor did he call the Appellant who kept following up. During the hearing, the Appellant mentioned his suspicion that the Jr. Engineer deliberately did not visit the site because he knew that the meter was tampered by the Respondent to run fast.
- (viii) The Appellant filed his grievance with the Forum on 07.07.2023. The Forum, by its order dated 23.08.2023 partly allowed the grievance. The operative part is already quoted above. The Forum failed to take tough action against the irresponsible officer and failed to appreciate the possibility of tampering. There was no point in the Forum's directions to check the meter at that stage, since the tampering had already been rectified to avoid exposure.
- (ix) The concerned officer did not test the meter immediately, as per the directions of the Chief Engineer. Had the meter been tested immediately, tampering would have been exposed. The Staff of the Respondent clandestinely restored the normalcy of the meter by removing the tampering within two to three days. After normalcy was restored, the meter was tested, and the Respondent claimed that the meter was found in order. This


(Dilip Dumbre)
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was just manipulation by the Site Staff.

- (x) The Appellant alleged that this is a classic case of tampering. The Appellant put on record meter readings taken by him which are tabulated below:

Table 1


Date	Meter Reading (kWh)	Units Consumed	Units per Day	Date	Meter Reading (kWh)	Units Consumed	Units per Day
21.06.2023	47431			27.06.2023	47536	10	10
24.06.2023	47502	71	24	28.06.2023	47549	13	13
25.06.2023	47516	14	14	29.06.2023	47562	13	13
26.06.2023	47526	10	10	30.06.2023	47573	11	11

The Respondent visited the meter room for checking and testing the meter on 26.06.2023. Thereafter the consumption of the Appellant drastically reduced which can be seen from table 1. This indicates tampering before the Respondent's staff 'fixed' or 'reverted' it.

- (xi) The Appellant prays that the Respondent be directed:
- to revise the bills of May & June 2023 with an average of 200 units per month.
 - to take action against the concerned officer of the Respondent.
 - to investigate the tampering of the meter.
 - To compensate Rs. 2.5 lakh towards monetary loss and harassment.


3. The Respondent filed its reply by email dated 10.10.2023. Its oral submissions were heard on 31.10.2023, which are as below:

- The details of the Appellant are already mentioned in Para 2 (i). The premises of the Appellant is a two BHK Flat.
- The Appellant registered his complaint on 23.06.2023 at Pannalal Subdivision regarding high electricity bill received for the month of May 2023.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (iii) After receipt of this complaint, the Respondent checked the use of the Appellant through his Consumer Personal Ledger (CPL) for the past 12 months. On the basis of the available Photo of Meter reading for May 2023 as 47302 kWh, it was informed to the Appellant that the bill for May 2023 was as per the reading i.e., 46509 kWh and with “Normal” Status, hence accurate.
- (iv) The Appellant visited the Additional Executive Engineer Pannalal Subdivision on 23.06.2023 and discussed the said matter. **It was suggested to test the meter by paying testing charges, as the bill issued for May 2023 was as per meter reading. The Appellant declined to pay meter testing charges.**
- (v) On 26.06.2023, the meter of the Appellant was checked and found OK. The same was communicated to him immediately and on 30.09.2023 through e-mail.
- (vi) The Appellant then filed a representation with the Forum on 10.07.2023. The Forum, by its order dated 23.08.2023, partly allowed the grievance and directed to test the meter with Accucheck machine in the presence of the Appellant if he so desires. The Forum also directed to test the meter at a meter testing laboratory or at NABL laboratory, subject to payment of testing charges by the Appellant **(which is refundable in case the meter is found defective)**
- (vii) The load of the Appellant was found to be: - two Air Conditioners, fridge, dish washer, TV, lighting with LED, etc.
- (viii) As per the directions of the Forum, the meter was tested by Assistant Engineer, Village Road Section on 31.07.2023 at the premises of the Appellant using a portable Accucheck machine (which is designed for field testing as per standard practice) in the presence of the Appellant. **The testing report was submitted to the Pannalal Subdivision office with his remark that “the meter shows accuracy at (+) 0.85%, which is within the permissible limit”, and mentioned that the Appellant had refused to sign on the report or to pay necessary testing charges.**
- (ix) The Respondent also issued a quotation (by Ref. No. 1775 dated 09.10.2023) to


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Secretary
Electricity Ombudsman Mumbai




the Appellant for retesting of the meter at NABL, if the Appellant so desired. He had to pay testing charges. However, the Appellant refused to pay any testing charges.

- (x) **The meter of the Appellant is installed inside the Common Meter Cabin of his Housing Society. The Society is the trustee for the meter cabin. No tampering of the meter was observed during the Spot Inspection of the meter on 26.06.2023 and on 31.07.2023. There is no possibility of tampering in these circumstances, nor is there any reason for the Respondent to tamper with the meter. The Respondent has lakhs of consumers and has no time or reason to indulge in tampering. It is the sole responsibility of the Appellant if any unauthorized tapping is taking place from the outgoing side of the meter and /or the main switch of the consumer.**
- (xi) The meter (Sr. No. 20031068 of HPL make) is a digital type, having a warranty of five years. The meter is reliable and designed as per the relevant Indian Standards Specifications. It is a combination of printed circuit board, integrated circuits etc. just like a computer. It is impossible to tamper or to make any changes in a digital meter, unless by the manufacturer's own expert crew. Hence, the Appellant's allegation that the meter was first tampered to run fast and subsequently made 'normal' by the Respondent has no merit. The meter is installed within the Society's premises and the Society is the trustee for the same. The Respondent's staff cannot even enter there without the knowledge of the society.
- (xii) The Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant's basic details of the consumer number, sanctioned load, address etc., are captured at Para 2(i). The Appellant resides in a 2 BHK flat having electric gadgets mentioned in Para 3 (vii).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



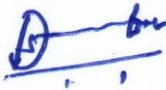
5. The Appellant's main grievance is regarding exorbitant bills in the month of May & June 2023. We have studied the consumption pattern of the Appellant as per CPL from 2021-22 onwards. The consumption pattern is summarized below:

Table 2

Year	2021-22			2022-23			2023-24		
Month	Previous Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Previous Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Previous Reading (KWH)	Current Reading (KWH)	Cons. (Units)
Apr	34054	34633	579	39202	39755	553	45197	45789	592
May	34633	35244	611	39755	40323	568	45789	46509	720
Jun	35244	35770	526	40323	40895	572	46509	47302	793
Jul	35770	36208	438	40895	41365	470	47302	47731	429
Aug	36208	36607	399	41365	41774	409	47731	48062	331
Sep	36607	36925	318	41774	42254	480	48062	48460	398
Oct	36925	37302	377	42254	42706	452	48460	48872	412
Nov	37302	37827	525	42706	43171	465			
Dec	37827	38271	444	43171	43622	451			
Jan	38271	38602	331	43622	44098	476			
Feb	38602	38896	294	44098	44602	504			
Mar	38896	39202	306	44602	45197	595			
	38602		5148	Total Cons.		5995	Total Cons.		3675
	Avg/month		429	Avg/month		500	Avg/month		525

It is seen that though the recorded consumption was higher (in the range of 720-793 units) in May and June 2023, compared to the previous month of 592 units, it is not inconceivably high considering the peak summer months.

6. The Appellant had filed the grievance regarding high bills of May and June 2023, stating that his family was out of town for that period. The Appellant alleges that the high bills are due to meter tampering by the Respondent, and subsequent 'normalization' when the Appellant took this issue to the higher authorities of the Respondent.



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



7. The Appellant also alleges that he had a bad experience while registering his complaint with the Call Centre of the Respondent. His complaint was registered at customer care on 18.06.2023 on his telephonic call; however, it was cancelled on 19.06.2023 without giving any reason. When he personally visited the office of the Respondent at Pannalal subdivision on 23.06.2023, the representative of the MSEDCL refused to register his complaint.

8. On the other hand, the Respondent contended that the meter was tested at the consumer's premises on 26.06.2023 and was found in order. The meter was tested at site with an Accucheck machine on 31.07.2023. The test result was again found in order. The Respondent also offered to test the meter at NABL subject to the payment of testing charges. (If the meter is found faulty, these charges are reverted.) However, the Appellant refused to pay the charges. The main contention of the Appellant has already been captured in para 2 (viii), (ix). We find no merit in the Appellant's suspicions that the digital meter was deliberately tampered by the Respondent's staff to run fast. The Respondent's staff cannot be indicted on mere suspicion, unsubstantiated by evidence.

9. There are many other factors which may suddenly increase electricity consumption of a consumer, such as unauthorized extension of load to others, unauthorized tapping etc. A meter is installed for recording accurate consumption. There is no scientific reason or tendency for a digital meter of a reliable make like HPL to run fast for a specific period of two months and work normally or accurately in other periods. **The meter is installed inside the Society Meter Cabin of the Appellant's building.** There is nothing on record to indicate that the meter was tampered, nor has any evidence been produced to indicate tampering by the Respondent. However, the possibility cannot be ruled out that during summer vacations when many residents are out of station, unauthorized tapping may take place within a housing society, either in connivance with the concerned security staff or otherwise.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



10. Considering the above record of meter testing, photo reading, CPL Study, etc., it can be inferred that the meter has recorded actual consumption. There is no reason to disregard the actual readings on record. The Appellant's case does not survive on merit.

11. The Forum has given a reasoned and speaking order, hence there is no need for interference in its main order. The Forum's order is modified to the extent below considering the latest scenario.


12. The Respondent is directed as under: -

- a) to withdraw the interest and delayed payment charges levied from May 2023 onwards till the date of this order.
- b) Compliance to be submitted within two months from the date of issue of this order.
- c) Other prayers of the Appellant are rejected.

13. The Representation is disposed of accordingly.

14. The Secretariat of this office is directed to refund the amount of Rs.25000/- deposit to the Respondent for adjustment in the ensuing bill of the Appellant.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

