

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 2024

In the matter of waiver of fixed charges after temporary disconnection

P. Purushottam Punnam,..... Appellant

V/s.

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

Appearances:

Appellant : 1. Purushottam Punnam, Consumer
2. J. S. Rajput, Representative

Respondent: 1. Pravin Chakole, Executive Engineer, Ulhasnagar Dn. II


Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 9th February 2024

Date of Order : 14th February 2024

ORDER

This Representation was filed on 21st November 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 14th September 2023 passed by the Consumer Grievance Redressal Forum, MSEDCL,


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Kalyan Zone (the Forum). The Forum, by its Order dated 14.09.2023 allowed the grievance application in Case No. K/DOS/044 of 2022-23. The operative part of the order was as below:-

“2. The licensee is directed to revise the bill for the month of Oct. 2022 by considering average consumption of previous one year.

3. The licensee is directed to change the meter immediately.”


2. Aggrieved by the order of the Forum, the Appellant has filed this representation. The e-hearing was held on 09.02.2024 through Audio Conference. Parties were heard at length. The Respondent filed a reply vide its letter dated 23.01.2023. For easy understanding, the Respondent's submissions and arguments are stated first as below:

- i. The Appellant is a Residential Consumer from 21.06.2013 with details of his connection as below:

Table 1:

Appellant	Consumer No.	Address	Sanctioned load (KW)	Date of Supply	Purpose
P. Purushottam Punnam	021518847691	Opposite Anandpuri Aashram, near flower line, opposite Anandpuri DTC, Ulhas- 5	0.5	21.06.2013	Residential


- ii. The Appellant was billed Rs. 280/- for 23 units in Sep. 22. The Appellant paid Rs. 280/- on 01.10.2022. The Appellant was billed Rs.3,256.68 for **316** = (486-170) units in the month of Oct.2022 **as per actual reading**. The Appellant did not pay the said bill (Oct.2022). Hence, the Respondent served a Disconnection Notice auto generated **through the system by way of SMS on the consumer's registered mobile number in Dec.2022 as per Section 56(1) of the Act, 2003 (the Act)**. The Appellant approached the office of the Respondent and requested to test the meter.


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The meter of the Appellant was tested on 03.01.2023. The Pulse Test of the meter found it to be in order; however, the load test of the meter could not be carried out as there was a flickering problem on the display of the meter. Overall accuracy of the meter was found in order.

- iii. The supply of the Appellant was disconnected on 14.01.2023 for non-payment of outstanding dues of Rs.3,445/- after completion of the disconnection notice period of 15 days. Accordingly, Temporary Disconnection (TD) tag was fed in the system in Feb.2023. The Appellant was billed for minimum fixed charges through the system with a tag of “TD” from Feb. 2023 onwards.
- iv. The Appellant filed a grievance application in the Forum on 23.06.2023 for revision of the high bill of Oct.2022. The Forum by its Interim Order dated 19.07.2023 directed to reconnect the supply of the Appellant.
- v. The supply of the Appellant was reconnected in the last week of July 2023 as per directions of the Forum. The Appellant did not pay reconnection charges. The Appellant paid only Rs. 200/- as part payment on 23.08.2023. No further payment has been made till date.
- vi. The Forum, by its Order dated 14.09.2023 allowed the grievance application and directed to revise the bill of Oct.2022 based on average consumption of one year. Accordingly, the bill of the Appellant was revised in October 2023 based on one year’s average consumption of 10 units p.m., and an amount of Rs.3,099.71 was credited in the bill in Oct. 2023. Thus, the order of the Forum has been complied with by the Respondent.
- vii. The ‘TD’ Tag remained in the system as the Appellant refused to pay the reconnection charges. The supply of the above consumer was disconnected only on temporary basis and was not permanently disconnected. Hence, bills of Rs.150/- for minimum charges / fixed charges plus arrears were issued to the consumer as per the rules in the “TD” Period. If there is a progressive reading, the consumer is billed as per actual meter reading, though there was a ‘TD’ tag in the system.



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- viii. The Appellant was billed as per actual meter reading. The use of the Appellant was found to be comparatively less. The bills issued are legal and proper.
- ix. The meter of the Appellant was replaced by a new Meter on 20.01.2024 as per the directions of the Forum.
- x. The Appellant requested for various information under RTI Act, 2005 on 22nd Feb. 2023. The Respondent handed over all relevant information including meter testing report, CPL, Meter photo, complaint register & other supportive documents immediately.
- xi. The Appellant was billed as per actual meter reading. The Respondent prays that the representation of the Appellant be dismissed and to direct the Appellant to pay the outstanding amount and reconnection charges immediately.

3. The Appellant's submissions and arguments are as below:

- a) The Appellant is a Residential Consumer from 21.06.2013 with detailed tabulated in Table 1. The Appellant is regular in payment of his electricity bills from time to time, and had no arrears in his name till Sep.2022.
- b) The Appellant suddenly received a high bill of Rs.3,256.68 for 316 units in Oct. 2022. The Appellant did not pay the said bill of Oct. 2022 as the use of the Appellant was less. The Appellant made a complaint in the Complaint Centre for revision of the bill. However, the bill was not revised.
- c) On the contrary, the supply of the Appellant was disconnected on 14.01.2023 without any notice as required under Section 56(1) of the Act.
- d) The Appellant requested to reconnect the supply. However, the supply was not reconnected.
- e) Thereafter, the Respondent issued monthly bills (fixed charges) from Feb. 2022 when there was no supply in the premises of the Appellant. The Appellant requested to withdraw these disputed bills as he had not utilized the power supply.


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- f) The Appellant filed a grievance application in the Forum on 23.06.2023 for revision of the high bill of Oct. 2022. The Forum by its Interim Order dated 19.07.2023 directed to reconnect the supply of the Appellant. The supply of the Appellant was reconnected in the last week of July 2023 as per directions of the Forum. The Appellant paid Rs.200/- on 23.08.2023.
- g) The Forum, by its Order dated 14.09.2023 allowed the grievance application and directed to revise the bill of Oct. 2022 with average consumption of one year. The Respondent revised the bill of October 2023 and credited Rs.3,099.71 in the October 2023 bill. However, the Respondent did not revise the bills of the off-supply period from Feb. 2023 to Jun.2023.
- h) The Appellant asked for the required information in RTI, however, the Respondent failed to give the detailed information.
- i) In view of the above, the Appellant prays that the Respondent be directed to withdraw the minimum bill of fixed charges from Feb. 2023 to Jul. 2023 when there was no supply in the premises.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant was billed as per actual reading till Sep. 2022. The consumption pattern of the Appellant was charted for the period from Apr. 2022 to Dec. 2023 as below: -

Table 2:



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Month	2022-23				2023-24				
	Initial Reading (KWH)	Current Reading (KWH)	Consm. (Units)	Status	Initial Reading (KWH)	Current Reading (KWH)	Consm. (Units)	Status	Remarks
Apr	117	122	5	Normal	528	528	0	Normal	TD Tag
May	122	134	12	Normal	528	528	0	Faulty	TD Tag
Jun	134	138	4	Normal	528	528	0	Faulty	TD Tag
Jul	138	144	6	Normal	528	528	0	Normal	TD Tag
Aug	144	147	3	Normal	528	531	3	Normal	TD Tag
Sep	147	170	23	Normal	531	534	3	Normal	TD Tag
Oct	170	486	316	Normal	534	535	1	Normal	TD Tag
Nov	486	488	2	Normal	535	537	2	Normal	TD Tag
Dec	488	508	20	Normal	537	539	2	Normal	TD Tag
Jan	508	528	20	Normal					
Feb	528	566	38	Normal					
Mar	528	528	0	Normal					
Note:	(1) The Appellant's supply was temporarily disconnected from 14.01.2023 for non-payment of arrears.								
	(2) The supply was reconnected on 20.07. 2023 as per directions of the Forum.								
	(3) The meter was replaced on 20.01.2024.								

5. The Appellant was billed for abnormally high 316 units for Rs.3,256.68 in the month of Oct. 2022. He did not pay the said disputed bill. The supply of the Appellant was disconnected on 14.01.2023 for non-payment of outstanding dues, after completion of auto generated disconnection notice of 15 days. The Respondent subsequently revised this bill as per the order of the Forum, and a credit of Rs.3,099.71 was passed on in the energy bill of Oct. 2022. Therefore, the issue of the high bill of October 2022 has been settled.

6. The Respondent contended that 'Temporary Disconnection' tag was fed in the system in Feb. 2023. The Appellant was automatically billed with zero consumption for only the minimum fixed charges for the 5 months period from March 2023 to July 2023, as the supply of the Appellant was temporarily disconnected from 14.01.2023 to 20.07.2023. The fixed charges were Rs.150/- per month plus previous arrears.


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7. The Appellant filed a grievance only for revision of the high bill of Oct. 2022 in the Forum. At that time, he did not file any grievance for withdrawing the fixed charges for 5 months. The Forum disposed of this grievance and the Respondent has complied with the same. Now, the Appellant has made a new prayer before the Hon'ble Electricity Ombudsman which is not maintainable as per Regulation 19.2 of CGRF & EO Regulations 2020 which is reproduced as below:


“19.1 Any Complainant, who is aggrieved by the non-redressal of his Grievance by the Forum, may, either directly or through his duly authorised representative, make a representation for redressal of his Grievance to the Electricity Ombudsman within sixty (60) days from the date of the Order of the Forum :”

At this stage this additional prayer cannot be entertained.

8. The Forum has given a reasoned order, which does not need any interference. The instant representation of the Appellant is rejected and disposed of accordingly.

9. The secretariat of this office is directed to refund Rs.1,000/- taken as deposit to the Respondent for adjusting in the Appellant's ensuing bill.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

