

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION NO. 60 OF 2023**

**In the matter of high billing**

Fathima Banu .....Appellant  
(Royal Palm India Pvt. Ltd.  
(Consumer No.000063133582)

**Vs.**

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

**Appearances:**

**Appellant : Fathima Banu**

**Respondent : Suresh Sawairam, Executive Engineer, Bhandup**

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

**Date of hearing: 1<sup>st</sup> August 2023**

**Date of Order : 3<sup>rd</sup> August 2023**

**ORDER**

This Representation was filed on 8<sup>th</sup> June 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 23<sup>rd</sup> November 2022 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum). The Forum, by its above order has dismissed the grievance application in Case No. 241/2021-22.



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2. The Appellant filed this representation against the order dated 23<sup>rd</sup> November 2022 of the Forum. An e-hearing was held on 1<sup>st</sup> August 2023 through video conference. Both the parties were heard at length. The written submissions and arguments of the Appellant are as under:

- (i) The Appellant is a residential consumer (No.000063133582) from 03.07.2006 at Royal Palm, Goregaon (E).
- (ii) The Appellant is regular in payment of electricity bills. The Respondent issued bills correctly up to March 2020. Thereafter the pandemic lockdown started and no meter readings were taken from March to June 2020. The Appellant received average bill of 271 units per month for April 2020 & May 2020 during the Covid-19 pandemic. Then the readings were re-started, and the Appellant received an abnormal exorbitant bill amounting to Rs.24,928/- for 2404 units in June 2020. During the hearing the Appellant clarified that during this pandemic period she was continuously residing at these premises.
- (iii) The Appellant raised an online complaint of high bill dated 11.07.2020 and 10.08.2020 on the Web Portal of MSEDCL. The Appellant also made complaint by email to Customer Care Centre on 07.07.2020 and 21.10.2020. However, the Respondent has closed these complaints without taking any action. The Appellant sent a complaint of high bill on 28.10.2020 to MSEDCL Head Office, Fort, Mumbai by registered post. However, on further follow up, no record was traceable at the Bandra office of the Respondent.
- (iv) The Appellant paid Rs. 236/- towards testing charges of the meter on 25.08.2020. The lineman visited the premises during the Appellant absence. The meter was not checked properly on 19.11.2020 and the signature of her minor daughter was forcefully taken at the time of testing without explaining testing methodology.
- (v) The Appellant visited the office of the Respondent at Ishwarnagar, Bhandup on 07.07.2021, and again visited four times and brought to the Respondent's notice that the said bills were exorbitant and needed to be revised. But no action was taken by the Respondent. Thereafter, the Appellant visited the Executive



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Secretary


Electricity Ombudsman Mumbai



- Engineer on 08.10.2021 but no solution was given. The Appellant met various authorities of the Respondent for bill revision, however no bill revision was done.
- (vi) The Appellant filed her grievance application in the Internal Grievance Redressal Cell on 02.11.2021. However, the Respondent by its letter dated 12.11.2021 informed that the IGRC has been abolished, and she has to lodge her complaint on the web-based portal of Internal Complaint Redressal System.
  - (vii) In such circumstances, the Appellant preferred to file her grievance application with the Forum on 29.03.2022. The Forum, by its order dated 23<sup>rd</sup> November 2022 dismissed the grievance application without giving any opportunity of hearing to the Appellant.
  - (viii) The Appellant was billed Rs.90,573/- for the one-year period from April 2020 to March 2021. The previous billing pattern of the Appellant was only Rs.23,100/- for the corresponding one-year period from March 2019 to Feb. 2020. This clearly indicates that the meter was running fast for the period from March 2020 to May 2021. The meter was not tested correctly and the testing report was fabricated.
  - (ix) There is a delay for filing this representation, as the Appellant did not receive any order of the Forum and was not aware about this grievance mechanism established by law. Hence requested to condone the delay.
  - (x) The Appellant prays that the Respondent be directed to withdraw the excess amount recovered from her which was paid under protest for the period from March 2020 to May 2021 as compared to the previous or future consumption pattern.

3. The Respondent, by its letter dated 26.06.2023 has submitted its written reply. Its written submissions along with its arguments are as below:

- (i) The Appellant is a residential consumer (No.000063133582) from 03.07.2006 having 4 KW as sanctioned load at Royal Palms, Flat No.101A, S.No.169 (PT), Nr. Unit No.26, Aarey Milk Colony, Goregaon (E).
- (ii) The Appellant made several complaints of high billing for the period from March 2020 to Oct. 2020. This period was the basic grievance before the Forum which

  
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Electricity Ombudsman Mumbai




falls under Covid -19 pandemic, where all families were at home in general as there was severe restriction of movement. This period consists mainly of the peak summer season, and thus there was generally excessive use of electricity in that period.

- (iii) There were several complaints of high billing from the Appellant, and she also alleged that the meter might be running fast. Accordingly, testing charges of Rs.236/- were paid by her on 25.08.2020 and the meter was tested by Accucheck (portable testing device duly calibrated) on 19.11.2020 in the presence of the Appellant's representative as the Appellant was not at home. During testing, the HPL make meter (No. 183248) was found to be in order.
- (iv) The said meter was also in service prior to Covid-19, and the Appellant had never made any complaint about its accuracy. The same meter is still in the system and working satisfactorily. The meter is a digital meter measuring the consumption accurately.
- (v) The Appellant filed her grievance application with the Forum on 29.03.2022. However, the Appellant did not attend the hearings despite the Forum giving many opportunities.
- (vi) The Appellant has changed her prayer at the appellate level by increasing her grievance period from March 2020 to May 2021 instead of March 2020 to October 2020. The Appellant also filed this representation beyond the limitation period.
- (vii) In view of the above scenario, it is requested to reject the representation of the Appellant.

### **Analysis and Ruling**


4. Heard the parties and perused the documents on record. The Appellant's basic information of consumer number, sanctioned load, address etc., are captured at Para 3(i). The major load of the Appellant was of one Air Conditioner, 2 fridges, TV, lighting, etc. There are many factors which may increase electricity consumption, including poor efficiency and poor

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



maintenance of electric gadgets. The meter is installed for recording accurate consumption. There is no scientific reason or tendency for a digital meter to run fast for a specific period and work normally or accurately in other periods. The meter was installed at the Society's meter Room, and the Society is the Trustee for the meter cabin. There is nothing on record to indicate that the meter was tampered.

5. The Government of Maharashtra had imposed lockdown from 22.03.2020 onwards due to the Covid-19 pandemic. During the lockdown period, the activities of meter reading at site were suspended as per the directions of the Maharashtra Electricity Regulatory Commission. Therefore, the actual meter reading for the months of April & May 2020 could not be taken. The billing for these months was done based on average basis with "Reading Not Taken" status, considering consumption of the previous period of three months. The actual reading was taken around June 2020, based on which the actual bill of consumption was issued. The Appellant has consumed the electricity during the Covid-19 period which the meter has recorded. The Appellant was billed as per the actual reading except for April and May 2020 due to the lockdown of Covid-19 Pandemic. The actual reading of June 2020 was taken as 20073 KWH. The Computerised billing system has split this consumption of 2404 units [20073 (June 2020 actual reading) -17669 (April 2020 initial reading)] into 3.07 months for April to June 2020, by giving credit of average billing of April & May 2020. The billing software is designed to match the Tariff Order of the Commission in force. The highest consumption was 824 units per month and the lowest consumption was 352 units per month for the period from April 2020 to March 2021. The Statistical Data of consumption of April 2020 to March 2021 is tabulated below:

  
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Secretary  
Electricity Ombudsman Mumbai



Month	Previous Reading (KWH)	Current Reading (KWH)	Units Billed	Status
Apr-20	17669	17669	271	Avg basis(RNA)
May-20	17669	17669	271	Avg basis(RNA)
Jun-20	17669	20073	2404	Normal, 3.03 months period with refund of avg. billing.
Jul-20	20073	20897	<b>824</b>	Highest Consumption
Aug-20	20897	21518	621	
Sep-20	21518	21870	<b>352</b>	Lowest Consumption
Oct-20	21870	22245	375	
Nov-20	22245	22830	585	
Dec-20	22830	23526	696	
Jan-21	23526	24035	509	
Feb-21	24035	24443	408	
Mar-21	24443	24973	530	


The meter accuracy was checked, and the meter was found in order. Considering the above record, it is seen that, the meter has recorded consumption of the Appellant. There is no reason to disregard the actual readings on record. The Appellant's case does not survive on merit.

6. This representation was filed on 08.06.2023 after about 6.5 months from the date of Forum's order dated 23.11.2022. The said Forum's order is available on the website of MSEDCL from the date of issue of the order. The Regulation 19.1 of CGRF & EO regulations 2021 is reproduced 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:*

*Provided that the Electricity Ombudsman may entertain a representation after the expiry of the said period of sixty (60) days if he/she is satisfied that there was sufficient cause for not filing it within the said period.”*

7. The reason for delay given by the Appellant is not sufficient to waive off such a long delay of 4.5 months in filing this representation. The representation of the Appellant was heard

  
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under the ground of admissibility for giving her an opportunity to express her views. The representation is time barred and is rejected.

8. While parting with this order, we note that the Forum dismissed the grievance for default taking into consideration the continuous absence of the Appellant on the hearing dates scheduled on 07.09.2022, 4.10.2022 and 16.11.2022. The Forum should have taken note of Regulation 8.14 which is reproduced below:

*“Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing, the Forum may decide the Grievance ex-parte:”*

This means that the Forum had all the documents submitted by the Appellant, and on the basis of those documents, the grievance should have been decided ex-parte on merit in the absence of the Appellant. However, the Forum failed to do so. This may be noted for future reference.

9. The Representation is disposed of accordingly.

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



(Dilip Dumbre)  
Secretary

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