

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 25 OF 2023

In the matter of off supply, billing & permanent disconnection

Lolaraknath Pandey & Awdesh Pandey ..... Appellant

V/s.

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

### Appearances:

- Appellant:
1. Lolaraknath Pandey
  2. Dharmendra Pandey, Representative
- Respondent:
1. Anis Mirza, Addl. Ex. Engineer,
  2. Aashish Varma, Assistant Auditor
  3. Nikhil Patil, Section Officer


**Coram: Vandana Krishna [IAS (Retd.)]**

Date of hearing: 6<sup>th</sup> June 2023

Date of Order : 14<sup>th</sup> June 2023

## ORDER

This Representation was filed on 28<sup>th</sup> February 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai




Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 5<sup>th</sup> January 2023 passed by the Consumer Grievance Redressal Forum, Vasai (the Forum).

2. The Forum, by its order dated 05.01.2023 in Case No.085 of 2022 partly allowed the grievance with the following observations:-

- “2. Respondent is directed to set aside the bill issued in October 2020 for 28.2 months and issue revised bill within seven days making it limited to 24 months prior to date of detection of excluding DPC and interest.*
- 3. Respondent shall grant three equal monthly instalments for payment of revised bill, which shall be paid by consumer along with current monthly bill subject to condition that a single default on the part of consumer will authorize Respondent to recover the dues in lump-sum with applicable future interest.*
- 4. Respondent shall issue new connection against above PD connection after applicant pays first instalment and completing the required formalities for new connection.”*

3. The Appellant has filed this Representation against the order dated 05.01.2023 passed by the Forum. The e-hearing was held through video conference on 6<sup>th</sup> June 2023. Parties were heard at length. The submission and arguments of the Appellant are as below: -


- (i) The Appellant was a Commercial Consumer (No. 001840313111) from 21.04.2012 at Gala No. 206, K. T. Spark Building No.3, Industrial Estate Waliv, Vasai (E), District Palghar. The Appellant was using the premises as a godown.
- (ii) The Appellant had complained orally of ‘no power supply’ for the period from 10.02.2020 to 05.10.2020 to the concerned authorities from Feb. 2020 onwards. The Appellant had also made a complaint on Toll-Free No. 1912 of the Respondent on the grievance portal and by a written letter dated 08.09.2020. The issue was also taken on

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



WhatsApp to the Addl. Ex. Engineer, however the concerned did not respond. The first written complaint to the Respondent was made on 08.09.2020.

- (iii) The Appellant received a bill for Rs. 2070/- on 24.09.2020 when there was no power supply. Despite making complaints several times, the Respondent did not respond. On 01.10.2020 the Appellant made a complaint to the Respondent's head office (B&R Section) through email. After that the Respondent took action and power supply was restored on 05.10.2020.
- (iv) However, after restoration of power supply on 05.10.2020, the Respondent issued an excessive bill of 500 units for Oct. 2020. The Appellant was using only one fan twice a week.
- (v) A complaint regarding excessive bill was made to the Addl. Ex. Engineer but he did not take any action. Further, the Appellant complained on various platforms regarding the hefty bill, but the complaint remained unsolved till now.
- (vi) The power supply was disconnected in January 2021, and on 14.03.2021 the Respondent removed the meter. This was due to non-payment of dues. The Appellant was permanently disconnected on 6.03.2022.
- (vii) The Appellant approached the Forum on 19.10.2022. The Forum, by its order dated 05.01.2023 partly allowed the grievance and directed the Respondent to set aside the bill issued for 28.2 months, by issuing a revised bill for 24 months prior to the date of detection, excluding DPC and interest.
- (viii) The Appellant prays
  - (i) to enquire for keeping the Appellant in the dark due to non-supply of electric power for eight months from 10.02.2020 to 05.10.2020. Disciplinary action to be taken against the concerned.
  - (ii) To compensate suitably for interruption of power supply.
  - (iii) To direct to restore the electric connection.


  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



[Note: It is interesting to note that the prayer does not include a request for reconnection of the connection, which was made P.D. in March 2022, due to non-payment of outstanding dues. The Appellant has not yet paid these dues yet has also not challenged the same in this representation, nor has included anything regarding these dues in his prayer.]

4. The Respondent filed its reply by email on 09.05.2023. Its submission and arguments are stated in brief as below:

- (i) The Appellant was a Commercial Consumer (No. 001840313111) from 21.04.2012, having sanctioned load of 1.5 KW at Gala No. 206, K. T. Spark Building No.3, Industrial Estate Waliv, Vasai (E), Dist: Palghar. The Appellant was permanently disconnected on 26.03.2022 with a final reading of 605 KWH. The meter of the Appellant was working, however, there was considerably low use.
- (ii) There was literally no activity in the Appellant's shop. The Appellant was billed as per actual reading up to June 2018 with a reading of only 6 KWH. Thereafter, the Appellant was billed on average basis, "Reading Not Taken (RNT), Locked, Inaccessible Status for the period from July 2018 to Sept. 2020. This includes the Covid-19 lockdown period. The Appellant was billed as per actual meter reading of 506 KWH for accumulated 500 (506 KWH- 006 KWH) units' consumption (from July 2018 to September 2020) in Oct. 2020. The system has already given the benefit of auto bifurcation of accumulated consumption of 500 units for the period for 28 months from July 2018 to Oct. 2020. The Appellant was billed as per actual reading from November 2020 onwards. As there was less use, **a major part of the bills were fixed charges**. The Appellant did not pay the outstanding dues from April 2020 onwards. The last bill was paid on 07.04.2022. The supply of the Appellant was temporarily disconnected in March 2021, and **was**

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



**permanently disconnected on 26.03.2022, when the outstanding dues had increased to Rs.15150/-.**

- (iii) There was a minor bill revision for the period from Nov. 2020 to Jan. 2021, as one of the readings was wrong. The bill revision of wrong reading was done, and credit of Rs.842.17 was passed in the energy bill for the month of April 2022.
- (iv) The Appellant then approached the Forum on 19.10.2022. The Forum, by its order dated 05.01.2022 partly allowed the grievance and directed the Respondent to revise the bill for only for 24 months instead of 28.2 months (July 2018 to Oct. 2020) along with waiver of interest and delayed payment charges.
- (v) Accordingly, the competent authority of the Respondent has approved B80 proposal with bill revision ID 14463858. The outstanding bill was revised and credit of Rs.3258.43 was passed to the Appellant in May 2023 for reduction from 28.2 months to 24 months.
- (vi) The bills for most of the months were of fixed charges. There is no bill revision pending and the grievance of the Appellant was totally resolved. Still the Appellant did not pay the outstanding dues till date. **The supply of the Appellant will be reconnected after payment of the current outstanding dues and completing the statutory formalities of reconnection.**
- (vii) The Respondent argued that the Appellant has wrongly focused his grievance only for off supply of electricity for eight months from 10.02.2020 to 05.10.2020. The Respondent stated that in fact, the supply of the Respondent was in order up to the metering point during this period, and the Appellant was advised to rectify the supply at the Consumer's end. During the hearing, the Respondent reiterated that from their side, they had not disconnected the supply during this period of the complaint, i.e. February to October 2020. However, the Appellant did not check this, and preferred to file various complaints with the authority of the Respondent from Sept 2020 onwards. There was Covid Pandemic and lockdown from 22<sup>nd</sup>

(Dilip Dumbre)  
Secretary

Electricity Ombudsman Mumbai



March 2020 onwards and the Respondent had limited manpower for day-to-day work. The main grievance is regarding non supply from February to October 2020 but most of this period falls in the lockdown period when there were no site visits or meter readings throughout the state. It was only around September 2020 that regular work restarted. Hence, it is difficult to ascertain whether the Appellant was actually getting any electric supply during this period. The Appellant rectified his fault on 05.10. 2020 and the supply was then extended to his shop.


(viii) The Respondent argued that the Appellant approached the Forum only on 19.10.2022. The cause of action should arise at the most two years prior to filing the grievance, as per Regulation 7.8 of CGRF & EO Regulations 2020. However, the current grievance relates to the period 10.02.2020 to 05.10.2020. Hence, the grievance is time barred.

(ix) It is therefore requested to dismiss the representation of the Appellant.

### **Analysis and Ruling**

5. Heard the parties and perused the documents on record. The Appellant was a Commercial Consumer (No. 001840313111) from 21.04.2012, having sanctioned load of 1.5 KW at Gala No. 206, K. T. Spark Building No.3, Industrial Estate Waliv, Vasai (E).

6. The shop of the Appellant was in non-use/ rare use. The Appellant was billed as per actual reading up to June 2018 with a reading of only 6 KWH. Thereafter, the Appellant was billed on average basis, on RNT, Locked, and Inaccessible Status for the period from July 2018 to Sept. 2020. The Appellant was billed for accumulated 500 units consumption in Oct. 2020 by splitting the accumulated consumption of 500 units over 28 months for the period from July 2018 to Oct. 2020. This comes to an average of only 17.8 units per month over this period. The Appellant was billed as per actual reading from November 2020 onwards. The Appellant did not pay the outstanding dues from April 2020 onwards. The supply of the Appellant was temporarily disconnected in March 2021,

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai




and was permanently disconnected on 26.03.2022 when the outstanding dues had accumulated to Rs.15150/-, and the reading was 605 KWH.

7. The Appellant approached the Forum on 19.10.2022. The Forum, by its order dated 05.01.2023 partly allowed the grievance. The operative part is captured in Para 2. The Respondent revised the bill to 24 months as per the Forum's order. The bill revisions were done, and now there is nothing pending as regards bill revision. The Forum has rightly extended the benefit of 24 months' recovery to the consumer. However, it is notable that the Appellant has not raised this grievance in the current representation. He has restricted his current grievance to the issue of non-supply from 10.02.2020 to 05.10.2020. In fact, this was not the main grievance before the Forum, though it was mentioned in passing.

8. The Appellant contended that several complaints were made regarding non-supply in his shop for the period of eight months from 10.02.2020 to 05.10.2020, but the Respondent did not attend to these complaints. The Appellant had to run from pillar to post during this period, especially in Aug. / Sept. 2020 onwards, after the lockdown of Covid-19 pandemic was partially opened.

9. On the other hand, the Respondent contended that the electric supply to the Appellant was in order up to the metering point and live. The Appellant was advised to rectify the supply at his end. However, the Appellant did not check this and preferred to file various complaints with various authorities of the Respondent. This was the period of Covid-19 pandemic and total lockdown was declared from 22<sup>nd</sup> March 2020. There was restriction on the movement of people, and the Respondent had limited manpower for day-to-day emergency work. Finally, the Appellant rectified his internal fault on 05.10.2020, and the supply was extended from the metering point to his shop.

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai






10. The Appellant approached the Forum on 19.10.2022 for the grievance of non - supply from 10.02.2020 to 5.10.2020. This was the period when the cause of action arose. However, the Appellant filed the grievance before the Forum only on 19.10.2022 which was time barred. Further that issue is totally resolved. The Regulation 7.8 of CGRF & EO Regulations 2020 is quoted as 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.”*

11. The order of the Forum is a reasoned and speaking one and hence is upheld. Nothing survives in the instant representation. The Representation of the Appellant is rejected and disposed of accordingly.

12. The secretariat of this office is directed to refund Rs.5920/- taken as deposit with the Respondent by adjusting in the Appellant's outstanding bill.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

