

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 208 OF 2019

In the matter of billing

Pooja Textiles ..... Appellant  
(Prop. Pravin Thakkar)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Bhiwandi (MSEDCL) ..... Respondent  
With Torrent Power Limited (TPL)

Appearances

For Appellant : Pravin Thakkar


For Respondent : 1. Satish Dhope, Dy. Ex. Engineer, Bhiwandi  
2. Prakash Chetwani, Manager, TPL  
3. Hemangi Bhogwekar, Asstt. Manager, TPL

**Coram: Deepak Lad**

Date of Order: - 9<sup>th</sup> January 2020

**ORDER**

This Representation is filed on 19<sup>th</sup> November 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 14<sup>th</sup> November 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Bhandup Zone (the Forum).


  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 14.11.2019 has dismissed the grievance application in Case No.245 / 2018.

3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating in brief as below: -

- (i) Appellant is a power loom consumer (No.13012535427) from 11.07.2003 having sanction load 22 HP at H.No.1714/0, Babla Compound, Kalyan Road, Opp. Naik Comp, Nagaon.
- (ii) Bills are issued on assessed / average basis for the month of November 2017 to January 2018. The request application was submitted to TPL on 25.06.2018 (TPL Inward No.528). The meter reading was taken on 06.08.2018 but the clarification for average billing was not given to the Appellant.
- (iii) The Appellant visited Customer Care Centre of TPL for enquiry of clarification of average billing, but he, being a consumer representative also and hence was not allowed to enter and the TPL officials refused to discuss and clarify the average billing charges especially him as per order issued by their Vice President. This is humiliation to him.
- (iv) The supply of the Appellant is disconnected without any notice as per Section 56 (1) and Section 171 of the Electricity Act, 2003 (the Act).
- (v) The supply of the Appellant is unilaterally and abruptly disconnected by the TPL for the fictitious arrears for the period from November 2017 to September 2018. The disconnection carried out is illegal. TPL cannot demand / claim any interest, DPC and fixed charges / demand charges of Rs.200/- p.m. as per Section 5 of Electricity Supply Act 1948. The energy charges, demand charges, fuel adjustment charges, interest and DPC should be considered for withdrawal. There is no power use during the above period as the premises was closed for some reason.
- (vi) The Appellant has submitted that the energy bill can only be raised against the consumer for legal and valid correct charges.
- (vii) The Appellant was in dark for two months due to illegal disconnection. He has to run from pillar to post for reconnection of his supply and withdrawal of fictitious bill. The calculation done for bill revision is wrong.

  
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- (viii) The Appellant has submitted rejoinder dated 02.12.2019 strongly complaining that the attitude of the TPL officials towards the consumers is not courteous.
- (ix) The Appellant referred order passed by the Electricity Ombudsman (Mumbai) in Representation No.139 of 2016 and orders passed by the Electricity Ombudsman (Nagpur) in Representation No. 87 of 2018, 88 of 2018 and 3 of 2019 in support of his prayer where the compensation is awarded in similar situation.

4. The Respondent, by its letter dated 11.12.2019 has filed point wise submission which is in brief as below: -

- (i) Appellant is a power loom consumer (No.13012535427) from 11.07.2003 having sanctioned load of 22 HP at H.No.1714/0, Babla Compound, Kalyan Road, Opp. Naik Comp, Nagaon.
- (ii) The premise of the Appellant was found closed for consecutive two months i.e. for December 2017 and January 2018 at the time of reading hence the bill was assessed as per Regulation 15.3 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations).
- (iii) As the premise was locked, the notice was served to the Appellant on 28.02.2018 as per Section 163 of the Act. Even after issuance of the notice, the meter was not made accessible for reading hence the supply was cutoff.
- (iv) On continuous follow-up with the Appellant, reading of the said meter was obtained and based on the actual reading, the entire assessed bill was revised amounting to Rs 15111/-. The detail of the revised bill is as below: -

Month	Units	Energy Charge	FAC	Govt. Duty	Tax on sale	Total
Dec-17	2270	6764.60	-147.54	615.39	205.21	7437.66
Jan-18	2270	6764.60	68.10	635.44	205.21	7673.35
Total	4540	13529.20	-79.44	1250.83	410.42	15111.01

  
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The detail of the credit passed was already reflected in the bill of August 2018. Further, the copy of the calculations were provided to the Appellant during the hearing in the Forum.


- (v) Subsequently, the supply was reconnected. In addition, the power loom subsidy of Rs.4147/- was also credited on 07.12.2018. The grievance of the Appellant stands resolved.
- (vi) Section 56(1) of the Act is not applicable to the Appellant as the service was not disconnected for nonpayment of dues.
- (vii) Appellant's allegations of TPL not allowing him to enter during all working days, is not acceptable and denied in toto. TPL has set up customer care centers at various locations in Bhiwandi DF area to facilitate customers only from one window and the Appellant is also taking the advantage of the same for his services. The Appellant is working as a customer representative also in various cases and TPL has always welcomed him and resolved his issues related to the power supply of the customers. The Appellant is making false allegations without any concrete proof regarding the same.
- (viii) As the complaint is resolved within time frame by TPL and hence further rejected by IGRC and the Forum based on the above facts, the said grievance needs to be dismissed. Therefore, there is no question of grant of compensation.

### **Analysis and Ruling**

5. The hearing was held on 13.12.2019. Both the parties argued in line with their written submissions and reiterated the same. I noted that TPL has issued detailed notice on 28.02.2018 to the Appellant invoking Regulation 15.3.2 of the Supply Code Regulations, wherein it is mentioned that the access to the meter be made available for taking meter reading. The said notice also mentioned the time when the Appellant is required to be present in the office of TPL. The Regulation 15.3.1 and 15.3.2 is quoted below:

*“15.3 Billing in the Absence of Meter Reading*

*15.3.1 In case for any reason the meter is not accessible, and hence is not read during any billing period, the Distribution Licensee shall send an estimated bill to the consumer:*

  
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*Provided that the amount so paid will be adjusted after the readings are taken during the subsequent billing period(s).*

*15.3.2 If the meter remains inaccessible after two consecutive efforts to effect a meter reading, then in addition to any remedy available to the Distribution Licensee under Section 163 of the Act, the consumer shall be served not less than seven clear working days' notice to keep open the premises for taking the meter reading on the days stated in the notice:*

*Provided that the notice shall also indicate the times at which the Authorised Representative shall remain present to read the meter.*

*15.3.3 Where the consumer fails to keep the meter accessible on the days and at the times stated in the notice in Regulation 15.3.2 above, the same shall be deemed to be a refusal of entry under the provisions of sub-section (3) of Section 163 of the Act and the consequences thereunder shall apply.”*


Section 163 of the Act is also reproduced below:-

*“Section 163. (Power for licensee to enter premises and to remove fittings or other apparatus of licensee): --- (1) A licensee or any person duly authorised by a licence may, at any reasonable time, and on informing the occupier of his intention, enter any premises to which electricity is, or has been, supplied by him, of any premises or land, under, over, along, across, in or upon which the electric supply-lines or other works have been lawfully placed by him for the purpose of –*

- (a) inspecting, testing, repairing or altering the electric supply-lines, meters, fittings, works and apparatus for the supply of electricity belonging to the licensee; or*
- (b) ascertaining the amount of electricity supplied or the electrical quantity contained in the supply; or*
- (c) removing where a supply of electricity is no longer required, or where the licensee is authorised to take away and cut off such supply, any electric supply-lines, meters, fittings, works or apparatus belonging to the licensee.*

*(2) A licensee or any person authorised as aforesaid may also, in pursuance of a special order in this behalf made by an Executive Magistrate and after giving not less than twenty-four hours notice in writing to the occupier, -*

- (a) enter any premises or land referred to in sub-section (1) for any of the purposes mentioned therein;*

  
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*(b) enter any premises to which electricity is to be supplied by him, for the purpose of examining and testing the electric wires fittings, works and apparatus for the use of electricity belonging to the consumer.*

*(3) Where a consumer refuses to allow a licensee or any person authorised as aforesaid to enter his premises or land in pursuance of the provisions of subsection (1) or, sub-section (2), when such licensee or person has so entered, refuses to allow him to perform any act which he is authorised by those subsections to perform, or fails to give reasonable facilities for such entry or performance, the licensee may, after the expiry of twenty-four hours from the service of a notice in writing on the consumer, cut off the supply to the consumer for so long as such refusal or failure continues, but for no longer."*


6. The above provision of the Regulation and the Act empowers the distribution licensee to take suitable steps to access the premises. In the instant case, TPL has invoked these powers and acted diligently. The issue could have been easily resolved had the Appellant cooperated.

7. From the above submissions, nothing remains in the case. However, both the parties were directed to sit together on pre-appointed day for understanding the issues / calculations in the case. MSEDCL /TPL was directed to draw minutes of the meeting duly signed by all including the Appellant. In pursuance of these directions, the TPL submitted minutes of the meeting. On bare perusal of the same, it is observed that the Appellant does not seem to be satisfied and raised the demand that the fixed charges be reversed as the factory was closed. This demand of the Appellant is not maintainable for obvious reasons.

8. In view of this, I do not find necessary to delve further in this issue and the order of the Forum is sustained.

9. The representation is rejected with no order as to cost.

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

