

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 15 OF 2023

In the matter of billing

Sunil Baliram PatilAppellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kalwa (MSEDCL)..... Respondent
Torrent Power Co. Ltd. Distribution Franchisee, Shil, Mumbra & Kalwa (TPL)

Appearances:

Appellant : 1. Ahsan Ahmad Shaikh, Occupier
2. Rahman, Representative

Respondent : 1. Ajay N. Bhasaketre, Addl. Ex. Engineer, TUC, MSEDCL
2. Jatin Parikh, AGM, TPL
3. Mahesh Ghagare, Manager, TPL
4. Zahir Sayyad, Manager, TPL


Coram: Vandana Krishna (IAS (Retd.))

Date of hearing : 24th March 2023

Date of Order : 6th April 2023

ORDER

This Representation was filed on 27th January 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 28th November 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL,


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Bhandup (the Forum). The Appellant paid a statutory deposit Amount of Rs. 25000/- on 16th February 2023 as per Regulation 19.22(h), and hence, the Representation was registered on 16th February 2023.

2. The Forum, by its order dated 28.11.2022 has partly allowed the grievance application in Case No. 147 of 2021-22. The operative part of the order is as below:-

“1. The grievance filed by the Applicant is hereby partly allowed.


2. The Respondent is entitled to recover the bill issued in the month of Jan-2021 for 1,18,094/- units amounting to Rs.10,38,000/-.

3. The Respondent is entitled to recover the 5775 units recorded on meter new number S55500013 from the consumer.

4. The Respondent is entitled to recover the actual units consumed on the meter for the period from Feb-2021 to April 2021 by withdrawing all the average bills issued from Feb-2021 to April 2021.”

3. Aggrieved by the order of the Forum, the Appellant filed this representation. A physical hearing was held on 23.03.2023. The parties were heard at length. The written submissions and arguments of the Appellant are stated in brief as below:-

- (i) The Appellant is an industrial consumer (No. 000242627644) from 22.04.2016 having Sanctioned Load (SL) of 53.62 HP and Contract Demand (CD) of 50 KVA at S. No. 6/5, House No. 173/271/A, near Ashtavinayak Hall, Mumbra, Thane. The Appellant runs a process industry for reprocessing of plastic scraps into plastic granules.
- (ii) There was “No Display” on the meter from Dec. 2019 onwards. Unfortunately, the factory of the Appellant was also not working from Dec. 2019 to June 2020. However, the Appellant was billed for average consumption from 363 to 3500 units per month from Dec. 2019 to June 2020. The Appellant enhanced the sanctioned load from 10 HP to 53.62 HP in Jan. 2020 for starting the factory. The Respondent carried out a


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spot inspection in the month of Feb.2020, and it was confirmed that the factory was closed and there was no electricity consumption in the factory.

- (iii) There was lockdown from 23.03.2020 due to Covid-19 Pandemic and the factory was totally closed.
- (iv) The Respondent changed the meter in the month of July 2020. However, the meter change was not updated in the system, and the Appellant was billed with average consumption up to Dec. 2020.
- (v) The Respondent TPL issued a bill of Rs. 12,01,250/- in the month of Jan 2021 which is not correct. The Appellant was billed with average consumption up to March 2021. The Appellant was billed as per actual reading from May 2021 onwards.
- (vi) The Respondent billed total 1,67,450 units from Dec- 2019 to April- 2021 which are wrong. There is no transparency in the bill revision. The Respondent TPL threatened the Appellant with disconnection with the support of a Bouncer.
- (vii) The Appellant prayed to revise the electricity bills as per average consumption, and to withdraw the fictitious billing which was done by MSEDCL/TPL, and to cancel interest and Delayed payment charges levied due to its billing irregularities.

4. TPL, the Distribution Franchisee of the Respondent MSEDCL filed its reply by its letter dated 17.03.2023. Its written submissions and arguments are stated in brief as below:


- (i) TPL has been appointed as the Distribution Franchisee by the Respondent MSEDCL from 01.03.2020 for the purpose of operation and maintenance of electricity supply along with its billing to consumers in the area of Shil, Mumbra and Kalwa.
- (ii) The Appellant is an industrial consumer (No. 000242627644) from 22.04.2016 having SL of 53.62 HP and CD of 50 KVA at S. No. 6/5, House No. 173/271/A, near Ashtavinayak Hall, Mumbra, Thane. The Appellant is engaged in a processing industry for reprocessing of plastic scraps into plastic granules.
- (iii) After takeover of the said area as the Distribution Franchisee, there was a complete lockdown from 23.03.2020 to June 2020, and no activities like meter reading or meter replacement were carried out except operation and maintenance of supply as per


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guidelines issued by the Maharashtra Electricity Regulatory Commission (Commission).

- (iv) As per data received from MSEDCL, at the time of takeover, Meter No. 06389707 of the Appellant was mapped with the last available reading in Nov. 19 of 5775.514 KWH.
- (v) The meter of the Appellant was found not working as there was no display on the meter. All bills raised for the period from Dec. 2019 to Dec. 2020 were issued on the basis of average consumption.
- (vi) The said meter No. 06206706 showing “No Display” was replaced with a new meter No. 55500013 on 11.07.2020 with initial reading of zero(0) KWH. However, the Respondent was not able to update the meter replacement in the system due to a technical error. So the Appellant continued to be billed with average consumption up to Dec.2020.
- (vii) The Meter No. 55500013 was read on 01.01.2021 with a reading of 123869 KWH. A differential bill for 118094 (123869 - 5775) units was mistakenly raised. Since the reading of 5775 related to the old meter which was replaced, it should not have been considered. The initial reading of the new meter was ‘zero,’ hence the correct consumption should have been $123869 - 0 = 123869$ units. Thus, the consumer was mistakenly under – billed. The consumer was given credit of average billing done for the period from Dec. 2019 to Dec.2020. In other words, the Appellant was billed with only fixed/demand charges and nil consumption / current bill for this period from Dec. 2019 to June 2020, and was billed as per actual consumption from July 2020 to Jan. 2021.
- (viii) The reading of the meter was downloaded by MRI and was founded to be 145782 KWH on 03.03.2021. The meter of the Appellant was tested on 11.03.2021 as per his request. The test result found the meter in order. The reading of the meter was 149387 KWH at the time of meter testing on 11.03.2021.
- (ix) In April 2021, the display of the new meter No.55500013 was again found not working. This “No Display” Meter was replaced on 07.04.2021 with a third new duly tested


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Meter No. S55500183 which was successfully updated in the system. From May 2021, all bills have been raised based on the actual reading of Meter No. S55500183 till date.

- (x) The underbilled amount for 5775 units mentioned above was finally billed in April 2021. Further the average bill for the period from February to March 2021 of 18929 units was also withdrawn and the correct bill as per actual reading was issued from April 2021 onwards. The above details are tabulated as below:

No.	Particulars	Units
i.	Unbilled difference units (between old and new meter)	5775
ii.	Unbilled difference units between Feb' 21 to Apr' 21.(R 149387/- dt. 11.03.2021- R 123869 dt. 01.01.2020)	25518
iii.	Credit given for average billed units charged between, Feb. 21 to Apr. 21 (8000+8000+2929)	-18929
Total additional units debited to the consumer		12364

- (xi) The Appellant filed his grievance before the Forum on 20.12.2021. The Forum, by its order dated 28.11.2022 partly allowed the grievance application. The operative part of the order is captured in Para 2. The Respondent submitted its compliance report by its letter dated 16.12.2022.
- (xii) In spite of the Forum's order to recover the entire dues based on actual units consumed, the Respondent, TPL, on the personal/ oral request of the Appellant, has waived off Rs.54,900/- of the interest component, on the condition of clearing the entire balance amount without any protest.
- (xiii) The Forum has rightly analysed the case and disposed of accordingly. Therefore nothing remains in this matter to extend any further relief to the Appellant.
- (xiv) In view of the above, the Respondent prays that the representation of the Appellant be rejected.


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5. During the course of the hearing, the Respondent was directed to submit month wise billing along with interest and delayed payment charges within a week. The Respondent has submitted the required information. The Respondent clarified that total additional units debited to the consumer are 12363 units relating to billing of Rs.96,000/-. The detailed calculation of 12363 units has already been captured in Para 4(x).

Analysis and Ruling

6. Heard the parties and perused the documents on record. The Appellant is an industrial consumer from 22.04.2016 having Sanctioned Load of 53.62 HP and Contract Demand of 50 KVA. The Appellant is in the business of reprocessing of plastic scraps into plastic granules.

7. The Appellant was billed with actual progressive reading of 5775 KWH up to Nov. 2019. After that, the Display of the meter No.6206706 was gone, and the Appellant was billed on average consumption basis from Dec. 2019 onwards. The said meter, which was already billed with a reading of 5775 KWH, was replaced with a new meter No. 55500013 on 11.07.2020 with an initial reading of 0 KWH. However, the meter replacement was not updated in the billing system due to a technical error. So, the Appellant continued to be billed with average consumption up to Dec.2020 as per Consumer Personal Ledger (CPL) of the consumer.

8. The new Meter No. 5500013 was actually read with a reading of 123869 KWH on 01.01.2021. However, the reading-based bill was wrongly generated for 118094 (123869 - 5775) units, instead of the full 118094 units in Jan.2021, with credit of average billing done for the period from Dec. 2019 to Dec.2020. Further, the Appellant was again billed with average consumption in February, March and April 2021. The Display of this new meter No. 5500013 was also found not working, and it was again replaced by a 3rd new meter No. S55500183 on 07.04.2021. Thereafter the Appellant is being billed with actual meter reading from May 2021 till date.


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9. The Respondent submitted the abstract of MRI report generated on 03.03.2021, the meter test report dated 11.03.2022, copies of bill revision reports, CPL from April 2016 onwards, Meter change Reports dated 11.7.2020 and 07.4.2021, and the Screenshot of the attempt made for uploading the replaced meter no. 55500013 in MSEDCL's Centralized Energy Billing System. The Respondent has rectified its various mistakes which happened due to the system's teething trouble.

10. The Appellant contended that the average bills issued from Dec. 2019 to Dec. 2020 were not rectified. There was no transparency in the billing of TPL. On the other hand, the Respondent TPL contended that the Appellant has not paid the bill of Nov. 2019 of 5775 (under billed) units for Rs. 66022/- till date. The Appellant has paid only Rs.1160/- and Rs.12060/- on 15.11.2019 and 07.07.2020 respectively for the period from Oct. 2019 to Nov. 2020. This has resulted in accumulated arrears which he has not paid till date. The Appellant is regular in payment of current bills issued thereafter. During the hearing, it was shown to the consumer that the average bills issued from Dec. 2019 to June 2020 were revised by considering "no use" of the Appellant when the factory was considered to be closed during the lockdown. For this period the currents bills were zero, and only fixed charges were levied. His payment details as per CPL were also explained.

11. The bills were revised as per actual reading in Jan. 2021. The average billing from Feb. 2021 to April 2021 was also revised as per actual reading by giving appropriate credit of average billing. **The main complaint of the Appellant seems to be regarding higher recording of consumption of 149387 units on the meter (No. 55500013) for the period from July 2020 to April 2021.** As the meter was tested and found in order, there is no reason to disbelieve or disregard this consumption which is based on actual meter reading.

12. The Forum in its order dated 28.11.2022 has analysed the case rightly and given a reasoned order.


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13. The MSEDCL has handed over the area of Shil, Mumbra and Kalwa to its Distribution Franchisee, TPL on 01.03.2020 for the purpose of operation and maintenance of supply along with billing. There might have been some teething trouble for the initial start-up of its billing activities. In addition, there was Covid-19 pandemic in 2020.

14. Considering all these factors together, we hold that the actual bills issued are valid. However, it is necessary to withdraw the interest and DPC component of the bills which were issued to the Appellant for the period from Dec. 2019 till date. The Respondent has already waived of some part of the interest component after compliance of the Forum's order.

15. In view of the above, the Respondent is directed as below:


- a. to withdraw the interest and DPC levied from Dec. 2019 till the date of this order.
- b. The other prayers of the Appellant are rejected.
- c. The Respondent to submit compliance report within two months from the date of this order.

16. The order of the Forum stands modified to the extent above.

17. The Secretariat of this office is directed to refund Rs. 25000/- taken as deposit from the Appellant by way of adjusting by the Respondent in his ensuing bill.

18. The representation is disposed of accordingly.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

