

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 109 OF 2023

In the matter of excess billing

M & M Technologies Pvt. Ltd.Appellant
(Consumer No. 000020560771)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Thane-1 (MSEDCL) Respondent

Appearances:

Appellant :1. M.K. Padhey
2. Meenakshi Padhey

Respondent: 1. C. G. Meshram, Executive Engineer, Thane 1
2. A.R. Rathod, AEE, Gadkari Sub-Dn.

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

Date of hearing: 20th December 2023

Date of Order : 12th January 2024

ORDER

This Representation was filed on 17th October 2023 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 30th June 2023 in Case No 16/2022-23 passed by the Consumer Grievance Redressal Forum,



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Secretary

Electricity Ombudsman Mumbai




Bhandup (the Forum). The Forum by its order partly allowed the grievance application. The operative part of the order is reproduced below:

“ 2. The Respondent is directed to provide C.P.L. along with the explanation about the fixed charges, to the Applicant Consumer. “

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical hearing was held on 20th December 2023. Parties were heard at length. The Respondent filed its reply on 02.11.2023. For easy understanding, the Respondent's submissions and arguments are stated first as below. The Electricity Ombudsman's observations and comments are recorded under 'Notes' in brackets where needed.


- (i) The Appellant is a commercial consumer (No. 000020560771) from 09.08.2012 having sanctioned load of 8 KW at Shop No. 06/A, Pasaydhan Building, Panchpakhadi, Thane (W). The Appellant was billed as per actual consumption till Nov. 2018. The said shop of the Appellant was sealed by the Authority of Thane Municipal Corporation (TMC) on 29.10.2018. The Respondent does not know the reasons for sealing of the Gala/Shop by TMC. The meter of the Appellant is in the common meter cabin. There is no use of power from Dec. 2018 onwards till date. Thereafter, the bill is limited to Fixed Charges.
- (ii) The Appellant, by the letters dated 11.10.2021 & 20.10.2021 has complained about excessive bills from December 2018 onwards, and requested to correct the excessive bills which were paid under protest, and to refund the excess amount paid with interest.
- (iii) The Respondent by its letter dated 12.10.2021 & 25.11.2021 has requested the Superintendent (*Property*), Thane Municipal Corporation (TMC) to provide details of sealing of the above-mentioned gala by TMC, for revision of the bill if necessary. However, there was no reply from the Superintendent (*Property*), TMC.



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- (iv) The energy bills issued from 04.12.2018 onwards are correct as per rules of the Company and all bills are also paid by the consumer till date. The consumer is requested to pay the balance amount.
- (v) In the intervening time, the Appellant filed a grievance application before the Forum on 02.05.2022. The Forum by its order dated 30.06.2023 partly allowed the grievance application. The operative part of the order is quoted in the First Para.
- (vi) The said order of the Forum has been complied with by the Respondent, and the compliance report was submitted vide letter dated 04.07.2023 to the Appellant.
- (vii) The Distribution Licensee is authorized to recover charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Commission as per Regulation 3.4 (Charges for Electricity Supplied) of the Supply Code Regulations 2005 and repealed Regulation 4 of Supply Code Regulations & SOP Regulations 2021 respectively. **The bills from 04.12.2018 till date are the minimum bills of fixed charges/minimum charges.** The Appellant was irregular in payment of these monthly bills, resulting in interest and delayed payment charges levied by the System, which were also negligible. A separate sheet mentioning details for billing is kept on record. The Consumer Personal Ledger (CPL) was also handed over to the Appellant for reconciling the payments made by them.
- (viii) The Appellant was billed as per actual readings and based on zero consumption from Jan. 2019 onwards. There is no billing dispute pending at the Respondent level.
- (ix) The abstract of payments made is tabulated as below:-

Table 1:


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Sr. No.	Date of payment	Amount paid (Rs.)	Sr. No.	Date of payment	Amount paid (Rs.)
1	23.01.2019	870	17	01.02.2022	420
2	08.03.2019	700	18	05.03.2022	420
3	03.05.2019	360	19	14.04.2022	830
4	19.08.2019	380	20	10.06.2022	330
5	15.09.2019	390	21	12.07.2022	420
6	10.11.2019	1170	22	02.09.2022	440
7	24.01.2020	400	23	04.10.2022	430
8	01.03.2020	390	24	02.12.2022	930
9	02.01.2021	3190	25	30.12.2022	320
10	17.02.2021	830	26	05.02.2023	420
11	23.03.2021	410	27	28.02.2023	420
12	16.04.2021	400	28	24.04.2023	320
13	09.07.2021	680	29	08.05.2023	450
14	26.10.2021	1250	30	Bill revision Adjustment given by the Respondent in Jun-19	1170
15	29.11.2021	420	Cumulative Total (Sr. No. 1 to 30)		19570
16	18.12.2021	410	Period from Dec-18 to Apr-23 (53 months)		53
			Average bill paid per month (Rs.)		369

All these figures are taken as per CPL of the Appellant, which is already provided to the Appellant.

- (x) The rates of fixed charges per month for the said period are as under:

Table 2:

Fixed Charges per month	Indicative Rate (Rs.)	Fixed Charges per month	Indicative Rate (Rs.)
Dec-18 to Mar-19	350	Apr-21 to Mar-22	415
Apr-19 to Mar-20	391	Apr-22 to Mar-23	427
Apr-20 to Mar-21	403	Apr-23 to Mar-24	470



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(xi) Considering the above facts, the Respondent prays that the representation of the Appellant be dismissed.

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


- (i) The Appellant is a commercial consumer from 09.08.2012. The consumer details are indicated in Para 2 (i). The Appellant is an advisor/consultant and is a Customer Focused, Global Enterprise principally engaged in the Intelligence Information Technology Systems. The Appellant is a service provider for major activities focused on Research and Applications, Design and Integration, Development and Testing and Manufacture and Installation.
- (ii) The Appellant used to run their office cum minor spare parts store in the said premises. The electric meter is outside in the common meter cabin. The said shop of the Appellant was sealed by TMC on 29.10.2018 without providing any official sealing order to the owner of the premises. Since then, the said premise is sealed and under the full control and possession of TMC. *[Note: During the hearing, the Appellant explained that probably TMC acted on the complaint of a rival regarding storage of dangerous / combustible material, which was allegedly a false and mischievous complaint.]*
- (iii) The Appellant had been regularly paying the electricity bills on a monthly basis as per their consumption through their established credit card payment system.
- (iv) The Appellant have been receiving electricity bills showing varying amounts. The meter reading shows a constant figure of 32543 KWH since December 2018; however, the bill amount varies every month from Rs.0 to Rs. 3180/-.(*Note: The Appellant is referring to the abstract of progressive outstanding amount every month, and not the current bill amount*). The Appellant failed to understand the


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logic behind this variation when the premises is under seal. They are now skeptical about the billing method and process carried out by MSEDCL. Therefore, the billing needs to be examined from December 2018 onwards. The amount charged in the monthly bills is arbitrary, illogical, and illegal. However, they have never stopped the payment to the MSEDCL.

- (v) All their complaints to customer care for the arbitrary and excess billing have been closed abruptly without providing any resolution. The Appellant filed the complaint to Internal Complaint Redressal System on Web Portal (ICRS Complaint ID: 0000023600944) and the same has been closed without providing any resolution. The Appellant made a written complaint to the Additional Executive Engineer, MSEDCL, Gadkari Subdivision vide letter dated 11.10.2021 and then a reminder dated 20.10.2021. However, they have not received any resolution to this issue. The Appellant filed a grievance in the Forum on 02.05.2022. The Forum, by its order dated 30.06.2023 partly allowed the grievance application. The operative part of the order is quoted in the first para. However, the Forum failed to understand the basic issue that there was no electricity use on the premises. The order was also delivered with an inordinate delay beyond the prescribed time.
- (vi) The Appellant is running from pillar to post to resolve the illegal sealing of its property by TMC. The Appellant expects cooperation from the Respondent.
- (vii) In view of the above, the Appellant prays that the Respondent be directed
- To refund all the amounts paid in excess of the dues payable by the Consumer.
 - To pay interest @ 18% per annum to the Consumer.
 - To provide the reasons for issuing varying bills from Rs. 0.00/- to Rs.3180/-.
 - To lodge an FIR against the concerned person for theft of electricity.


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- e) To reimburse consultation and conveyance fees of Rs.1,38,700/- to the representative for attending the hearing before the Forum and the Hon'ble Ombudsman.
- f) To pay an additional amount of Rs. 10,000/- towards mental agony suffered by the consumer.

4. During the hearing, the Appellant was directed to reconcile their payments with the CPL within 7 days; however, there was no reply from the Appellant.


Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant is a commercial consumer from 09.08.2012. The consumer details are indicated in Para 2 (i). The Appellant is a service provider for activities focused on Research and Applications, Design and Integration, Development and Testing and Manufacture and Installation.

6. The Appellant was billed as per actual consumption till Nov. 2018. The premises of the Appellant were sealed by the authority of Thane Municipal Corporation on 29.10.2018. The meter of the Appellant is in the common meter cabin. There is no use of power supply from Dec. 2018 onwards till date.

7. The Appellant, by its letters dated 11.10.2021 & 20.10.2021 has made complaints of excessive bills from December 2018 onwards, which were paid under protest, and to refund the excess amount paid with interest.

8. The billed consumption of the Appellant from April 2018 to June 2023 is tabulated as below:


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Table 3:

Month	2018-19			2019-20			2020-21		
	Previous Reading	Current Reading	Units Billed	Previous Reading	Current Reading	Units Billed	Previous Reading	Current Reading	Units Billed
Apr.	29442	29849	407	32543	32543	0	32543	32543	0
May	29849	30313	464	32543	32543	0	32543	32543	0
Jun	30313	30763	450	32543	32543	0	32543	32543	0
Jul	30763	31157	394	32543	32543	0	32543	32543	0
Aug	31157	31471	314	32543	32543	0	32543	32543	0
Sep	31471	31807	336	32543	32543	0	32543	32543	0
Oct	31807	32168	361	32543	32543	0	32543	32543	0
Nov	32168	32534	366	32543	32543	0	32543	32543	0
Dec	32534	32543	9	32543	32543	0	32543	32543	0
Jan	32543	32543	0	32543	32543	0	32543	32543	0
Feb	32543	32543	0	32543	32543	0	32543	32543	0
Mar	32543	32543	0	32543	32543	0	32543	32543	0
Month	2021-22			2022-23			2023-24		
	Previous Reading	Current Reading	Units Billed	Previous Reading	Current Reading	Units Billed	Previous Reading	Current Reading	Units Billed
Apr.	32543	32543	0	32543	32543	0	32543	32543	0
May	32543	32543	0	32543	32543	0	32543	32543	0
Jun	32543	32543	0	32543	32543	0	32543	32543	0
Jul	32543	32543	0	32543	32543	0			
Aug	32543	32543	0	32543	32543	0			
Sep	32543	32543	0	32543	32543	0			
Oct	32543	32543	0	32543	32543	0			
Nov	32543	32543	0	32543	32543	0			
Dec	32543	32543	0	32543	32543	0			
Jan	32543	32543	0	32543	32543	0			
Feb	32543	32543	0	32543	32543	0			
Mar	32543	32543	0	32543	32543	0			

9. The Respondent has contended that the Appellant was billed as per actual readings with zero consumption from Jan. 2019 onwards. Only the minimum fixed charges were levied. These charges vary from year to year as decided by the Commission. There is no billing dispute pending at the Respondent’s level.


10. We have also verified the CPL of the Appellant and confirmed the contentions of the Respondent, as summarized in Table 1, 2 & 3. Nothing is pending to redress the grievance. The Forum, in its order dated 30.06.2023 has given a reasoned and speaking order. The facts were explained to the Appellant during the hearing.


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 Secretary
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11. The present Representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

