

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 24 OF 2023

In the matter of excess billing

Parvati Ramchandra Gupta..... Appellant
(Ghanshyam Ramachandra Gupta User)

V/s.

Brihanmumbai Electric Supply & Transport Undertaking (G/South) Respondent
(BEST Undertaking)

Appearances:

Appellant: 1. Ghanshyam Gupta
2. Radhika Gupta

Respondent: P. W. Sawant, Divisional Engineer (G/South)

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 20th April 2023

Date of Order : 1st June 2023

ORDER

This Representation was filed on 15th February 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 11th January 2023 in Case No.GS-014-2022 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum, by its order dated 11.01.2023 dismissed the grievance with the following observations:-



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“1.0 The grievance No.GS-014-2022 is hereby dismissed with liberty to the complainant to get the meter N179410 tested from NABL under clause 15.6.2 of the Maharashtra Electricity Regulatory Commission (Supply Code and Standard of Performance including Power of Quality) Regulations 2021.

2.0 The above liberty is granted to the complainant with a condition that within four months from the date of receipt of this order the complainant shall exercise this liberty if he wants to exercise it and if it is not done so, then the Respondent shall be at liberty to destroy the meter as per the prevailing procedure and Rules.”

3. The Appellant has filed this Representation against the above order passed by the Forum. The e-hearing was held through video conference on 20th April 2023. Parties heard at length. The submissions and arguments of the Appellant are as below: -

- (i) The Appellant is the son of late Parvati Ramchandra Gupta and a residential consumer (No. 555-463-012) having sanctioned load of 10.26 KW at Flat 201, MAK Devika, New Prabhadevi Road, Mumbai.
- (ii) The Appellant received an exorbitant bill of Rs. 27,800/- for the month of July 2020 and August 2020 during the period of Covid-19 pandemic. He complained by email dated 04.09.2020 to the Respondent regarding the excessive bill. However, the Respondent did not take any action.
- (iii) The Appellant again complained by letter dated 27.10.2020 for receiving high bills for the period of July 2020 to October 2020. He again complained by letter dated 31.12.2020 for the period of July 2020 to December 2020. However, there was no communication from the Respondent.
- (iv) Assistant Administrative Manager, Customer Care (G/S) of the Respondent by its letter dated 09.02.2021, replied for the first time that estimated bills were recalculated for the period from April to July 2020 considering 1347 (12434-11087) units used, and credit of Rs.3612.36 was accordingly given in the bill of July 2020.
- (v) The Appellant was not happy with the reply of the Respondent, hence, the Appellant by its letters dated 13.02.2021, 03.06.2021, 31.07.2021, 03.08.2021

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and 31.12.2021 repeatedly requested to revise the excessive bills. However, the Respondent did not take any action in the matter.

- (vi) The previous consumption pattern for the period prior to Covid-19 pandemic as per the Appellant is tabulated below:

Table 1

| Sr. No. | Period | Total Cons.(units) | Avg. Cons. Per month (units) |
|---------|------------------|--------------------|------------------------------|
| 1 | Jan-17 to Dec-17 | 4323 | 360 |
| 2 | Jan-18 to Dec-18 | 4765 | 397 |
| 3 | Jan-19 to Dec-19 | 5372 | 448 |

The consumption pattern for the period from Jan. 2020 to July 2021 as per the Appellant is tabulated as below:

Table 2

| Month | Consumption (Units) | Month | Consumption (Units) |
|--------------------------|---------------------|--------|---------------------|
| Jan-20 | 425 | Jan-21 | 510 |
| Feb-20 | 391 | Feb-21 | 450 |
| Mar-20 | 474 | Mar-21 | 468 |
| Apr-20 | 474 | Apr-21 | 525 |
| May-20 | 474 | May-21 | 604 |
| Jun-20 | 474 | Jun-21 | 550 |
| Jul-20 | 316 | Jul-21 | 531 |
| Aug-20 | 975 | | |
| Sep-20 | 14 | | |
| Oct-20 | 1001 | | |
| Nov-20 | 12 | | |
| Dec-20 | 918 | | |
| Total consumption | 5948 | | 3638 |
| Avg/month | 496 | | 520 |

From the above table, it is clear that the meter of the Respondent is fast and recording on the higher side from the year 2020 onwards. The Appellant contended that he uses energy efficient electrical appliances and lights with



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constant updating to reduce electricity consumption. Despite this, the meter was recording on the higher side.

- (vii) Despite continued correspondence from both sides, the basic grievance of high bills was not resolved.
- (viii) This meter (N179410) was replaced after its last reading of 22460 KWH on 17.02.2022, and the meter was sent for testing in the meter testing laboratory of the Respondent on 08.03.2022. However, the meter reading even before the testing was found to be 22465 KWH. Thus, there was an increase of 5 units even when the meter was idle. Moreover, during the testing of only 15 minutes, the reading had already increased by 5 units more i.e., 22470 KWH. There was a total increase of 17 units in the bill. This clearly indicates that the meter was previously tampered by the personnel of the Respondent on 31.10.2020, when the first testing on site was done, since the Appellant refused to pay cash to settle the case at that time.
- (ix) As there was no amicable solution, the Appellant filed a complaint of high billing in the Internal Grievance Redressal Cell (IGRC) on 27.09.2022. The IGRC, by its order dated 28.10.2022 disposed of the complaint without any fruitful decision. Thereafter, the Appellant approached the Forum on 21.11.2022. The Forum, by its order dated 11.01.2023, dismissed the grievance with observations which are captured in Para 2 above.
- (x) Payment of Rs. 3300/- towards the bill for October 2022 was made on 04.11.2022 by NEFT mode. This payment should have been credited in November 2022 but the same was not credited. After filing this representation in the office of the Electricity Ombudsman, the payment was finally credited by the Respondent on 31.03.2023. Thus, the Respondent did not reconcile its suspense account for almost five months. This is a sample indication of unproductive or inefficient working of the Respondent.
- (xi) In view of the above, the Appellant prays that the Respondent be directed
 - a) to investigate the complaint of meter tampering.



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- b) to revise the bill of the disputed period of 2020 and 2021 on the basis of the previous consumption pattern, and to waive off interest and DPC levied till date.
- c) to take action against the concerned officers of the Respondent.
- d) to do forensic testing of the meter, if needed.

4. The Respondent filed its reply on 06.04.2023. Its submissions and arguments are stated in brief as below:

- (i) The Appellant, Ghanshyam Gupta is the son of late Parvati Gupta, the original consumer (No. 555-463-012), having sanctioned load of 10.26 KW at Flat 201, Super Elegent Developers, New Prabhadevi Road, Mumbai. He is also the user in the premises.
- (ii) The Appellant, by email dated 04.09.2020 complained of high billing for the period from July 2020 to August 2020. He also approached the Customer Care (G/South) Ward for redressal of his complaint. It is pertinent to mention that due to the Covid-19 Pandemic, the actual meter reading could not be taken from April to June 2020. During this period, the Computerised Billing System billed all its consumers on the basis of "Consumption recorded in March 2020" as per Practice Direction given by Maharashtra Electricity Regulatory Commission (the Commission). After receipt of the actual meter reading in June 2020, the system worked out the units consumed during April to June 2020, and re-estimated bills were sent to the consumers. Since the consumers were under-billed during the peak summer season, the Respondent received thousands of such complaints of high billing during this period. There was considerable high use during Covid-19 Pandemic period as everybody was at home and working from home.
- (iii) The high bill complaint of the Appellant was registered in the billing system. The Meter No. N179410 of the Appellant was tested with the help of Standard Reference Meter on 31.10.2020 at site. The meter (No.N179410) was found working satisfactory within permissible limits of accuracy. There is no question of under-hand dealing or bribe or tampering of meter. This was routine work of the Respondent. The Appellant consumed



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the electricity during this period, so he has to pay for the same, as the meter was found in order.

- (iv) During further scrutiny, it was noticed that the consumer was under-charged in July, September and November 2020, and was over-charged in August, October and December 2020 due to wrong meter reading recorded by the Meter Reader. The necessary bill amendment was worked out and incorporated in the bills of January 2021 and March 2021.
- (v) Even then the Appellant was not satisfied and approached with the same grievance which was already resolved. He was again briefed about the billing during pandemic period/subsequent period and the later bill amendments. The Respondent by its letter dated 09.02.2021 had also replied to the Appellant regarding his complaint.
- (vi) As the Appellant was not satisfied with the site test results and further action taken by the Respondent in the matter, the meter N179410 was replaced by a new meter No. N209206 on 17.02.2022 and was sent to Meters Testing Laboratory, Wadala for 'Official Meter Testing' in the presence of the consumer/complainant. The meter N179410 was tested there in the Appellant's presence on 08.03.2022, and was found to be accurate. A copy of the official test report was handed over to the Appellant.
- (vii) The Appellant filed another complaint in IGRC on 27.09.2022, wherein, besides the high bill complaint, he mentioned the additional 17 units charged on this account. The Respondent scrutinized the meter replacement advice and found that the final reading of the meter No. N179410 was mistakenly recorded in the system as 22477 KWH by oversight, instead of as 22460 KWH, resulting in a meter reading anomaly. However, the additional 17 units mistakenly charged by the system were reversed, and due credit of Rs.193.67 was given in the October 2022 bill.
- (viii) Vide letter dated 28.10.2022, a detailed reply was sent to the Appellant stating facts, debit / credit calculations, along with a tabulated summary of Unit Consumption for the last 3 years and a consolidated statement of the downloaded meter reading data vis-à-vis the manual reading taken by the Meter Reader.
- (ix) Meanwhile the Appellant approached the Forum on 12.08.2022. The case was heard by the Forum on 02.01.2023 at length. Vide order dated 11.01.2023, the Forum dismissed the grievance with liberty to the Appellant to get the meter N179410 tested

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from NABL under Clause 15.6.2 of the Maharashtra Electricity Regulatory Commission (Supply Code and Standard of Performance including Power of Quality) Regulations 2021(Supply Code and SOP Regulations 2021).

(x) The important issues are summarised below:-

a. The meter N179410 (R 22460 KWH) was replaced by new meter for Official Testing on 17.02.2022. The meter N179410 was tested at Meter Testing Laboratory, Wadala in the presence of the Appellant on 08.03.2022. The meter was found to be working within permissible limits of accuracy.

a) The KWH reading of Customer Care : 22460 KWH

b) Meter display reading observed by Meter department : 22460 KWH

There is no difference in the reading. The Appellant is trying to confuse the issue by saying that there was 5 units' difference. This is a totally wrong statement.

b. The meter seals of this meter were found intact in the laboratory testing. The meter is a digital meter and cannot be tampered on site while keeping seals intact. This is nothing but imagination of the Appellant and a modus of operandi to create pressure on the Appellate Authority for bill revision.

c. Every feasible action in the matter has already been taken. Vide letter dated 28.10.2022, a detailed reply was furnished to the Appellant with consumption history for last 3 years as well as downloaded meter data establishing that the necessary bill amendment was carried out.

d. The Appellant has now raised the issue of payment of Rs.3300/- (Rupees Three Thousand Three Hundred Only) by NEFT which was not credited in time in subsequent bill. This complaint was not raised in the Forum. Sometimes, the online payment paid by a consumer is rejected due to some reason of system error, and the amount is credited into a Suspense Account of BEST instead of into the consumer account. This amount is required to be re-conciliated and re-adjusted in the concerned consumer account, which takes some time. The amount of Rs.3300/- was verified and adjusted into the consumer account, though a bit late. Thus, this issue is settled.

(xi) In view of the above, the Respondent prays that the representation be rejected.

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5. During the course of the hearing, an opportunity was given to the Appellant to test the meter in NABL (National Accreditation Board for Testing and Calibration Laboratories). However, after the hearing, the Appellant expressed his inability to pay the huge amount of testing fee, and requested formally to the E.O. office on 08.05.2023 to send the meter to the manufacturer for testing, instead of NABL. He stated that whatever the testing report may be, it would be honoured and accepted by him.


Analysis and Ruling

6. Heard the parties and perused the documents on record. The Appellant is a residential consumer (No. 555-463-012) having sanctioned load of 10.26 KW at Flat 201, MAK Devika, New Prabhadevi Road, Mumbai.

7. The Appellant's basic grievance is that he received high bills for the period from July 2020 to Dec. 2020 during the period of Covid-19 pandemic. The Appellant complained to the Respondent for these high bills. **The Respondent tested the Meter No. N179410 with the help of Standard Reference Meter on 31.10.2020 at site, and the meter (No.N179410) was found in order.**

8. This meter (N179410) was replaced under Official Testing on 17.02.2022 as per the request of the Appellant, and was again tested in the Meter Testing Laboratory, Wadala on 08.03.2022 in the presence of Appellant. The meter was again found in order during this second testing.

9. The Appellant contended that the meter had a reading of 22460 KWH when it was replaced on 17.02.2022. The old meter was tested in the meter testing laboratory on 08.03.2022. However, the meter reading before the testing showed a reading of 22465 KWH. Thus, there was an increase of 5 units even when the meter was idle. Moreover, after testing the meter for only 15 minutes, the reading increased further by 5 units, with a reading of 22470 KWH, which allegedly established that the meter had been tampered with by the personnel of


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the Respondent, when the first testing on site was done, and the Appellant had refused to pay cash amount to settle the case at that time.

10. On the other hand, the Respondent contended that the reading taken by Customer Care Department of the said meter was 22460 KWH on 17.02.2022 while replacing the meter, and the reading observed by the Meter Department was also 22460 KWH on 08.03.2022 before testing the meter. Hence, the Appellant's allegation regarding change of meter reading in transit is totally imaginary.

11. The office of E.O. has personally checked these reports. From the meter Testing Report dated 08.03.2022, it is clearly seen that both the readings of 17.02.2022 and 08.03.2022 are same i.e., 22460 KWH. The Respondent has revised the bills as per actual meter readings.

12. The consumption pattern of the Appellant is found as below:

Table 3

| Yearwise / Monthwise Consumption (Units) | | | | | |
|--|------|------|------|------|------|
| Month | 2019 | 2020 | 2021 | 2022 | 2023 |
| January | 433 | 425 | 510 | 442 | 469 |
| February | 325 | 391 | 450 | 386 | 157 |
| March | 390 | 474 | 468 | 527 | 346 |
| April | 363 | 347 | 525 | 409 | 450 |
| May | 408 | 370 | 604 | 428 | |
| June | 444 | 314 | 550 | 351 | |
| July | 429 | 316 | 531 | 362 | |
| August | 485 | 975 | 569 | 436 | |
| September | 641 | 14 | 479 | 425 | |
| October | 500 | 1001 | 548 | 372 | |
| November | 464 | 12 | 490 | 358 | |



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| | | | | | |
|------------------------------------|------------|------------|------------|------------|--|
| December | 490 | 918 | 437 | 380 | |
| Total Consumption | 5372 | 5557 | 6161 | 4876 | |
| Avg. cons./month | 448 | 463 | 513 | 406 | |
| Note: Meter replaced on 22.02.2022 | | | | | |

The consumption pattern for the last four calendar years from 2019 to 2022 and onward is tabulated above. It is seen that the average consumption pattern for the year 2020 is 463 units per month, which is comparable to the consumption of earlier and subsequent years. There is no evidence of meter tampering.


13. The Forum has correctly adjudicated the grievance of the Appellant with proper reasoning. The Forum has also given liberty to the Appellant to test the meter in a NABL laboratory under Regulation 15.6.2 of the Supply Code & SOP Regulations 2021. However, post hearing, the Appellant requested the E.O. office to get the meter checked directly by the manufacturer.

14. Accordingly, this office issued directions to the Respondent by email dated 15.05.2023 to send the meter to the manufacturer for testing and analysis purpose. The Manufacturer, by its email dated 29.05.2023 informed its Analysis Report in which it is stated that the “*meter is tested for accuracy tests and % errors are within standard limits.*” It also concluded that “*No problem observed*”. As per the test report of the manufacturer, the meter is found in order. The Respondent has already revised the bills from July 2020 onwards hence nothing survives in the matter.

15. The Forum’s order is principally upheld, however is modified as below: -

The Respondent is directed: -

- (a) To waive of the interest and DPC for the entire period from July 2020 up to the date of this order.


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- (b) Compliance to be submitted by the Respondent within two months from the date of this order.

16. The secretariat of this office is directed to refund the amount of Rs. 19000/- taken as deposit to the Respondent to adjust in her ensuing bill.

17. The Representation is accordingly disposed of as above.

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

(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

