

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 27 OF 2022

In the matter of billing

Alok DaveAppellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd.Respondent
Pimpri (MSEDCL)

Appearances:

Appellant : Alok Dave

Respondent: 1. D.N. Sali , Executive Engineer, Pimpri
2. D.R. Balgude, Dy. Executive Engineer, Sangvi Sub.Dn.


Coram: Vandana Krishna (Retd. IAS)

Date of hearing : 19th April 2022

Date of Order : 5th May 2022

ORDER

The Representation is filed on 3rd March 2022 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 4th January 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum).


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2. The Forum, by its Order dated 04.01.2022 has partly allowed the grievance application in Case No. 26 of 2021. The Forum observed that the Respondent has already revised the bill of faulty status of the complainant as premises found non-use for the period from September 2020 to July 2021 and credited Rs. 23,629.66 to the Complainant. However, the Forum directed the Respondent

- a) to review its bill revision proposal and the documents be given to the Complainant within 30 days.
- b) to pay compensation to the Complainant at the rate of Rs. 50 per week or part thereof subject to maximum of Rs. 250/- for failure to meet Standards of Performance (SOP) for delay in replacement of faulty meter as per Regulation 25.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Standards of Performance of Distribution Licensees including Power Quality) Regulations 2021
- c) to pay Rs. 2000/-an additional compensation towards mental agony.

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


- (i) The Appellant is a residential consumer (No. 172010012959) from 11.04.2014 having sanctioned load of 4 KW at Flat No. 805, G Bldg., Pristine Profile, Near Sayaji Hotel, Wakad, Pune.
- (ii) The Respondent started average billing on 'Faulty' Status from Sept 2020 onwards. The defective meter should have been replaced within two months as per Regulation 14 of Supply Code Regulations 2005 under the provision of Part XII and Part XIV of the Electricity Act, 2003 (the Act).
- (iii) The said premises was not in use from mid October 2020 to Sept 2021. The Appellant has paid all bills of 'Faulty' Status totaling of Rs.26,625/- without any interest. The Appellant was residing during this period at his native place, Junagad, Gujarat in view of lockdown imposed by the Government due to Covid-19 Pandemic.
- (iv) The Appellant has requested the Respondent in December 2020 to replace the faulty meter through online web-based portal of the Respondent, however the Respondent did not replace the meter. The Appellant made complaint again through online web


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based portal, however, the Respondent did not act and started giving excuse that new meters were out of stock.


- (v) The Appellant filed complaint in Internal Grievance Redressal Cell (IGRC) but there was no response. Thereafter, he approached the Forum on 13.07.2021. The Respondent continued to bill on average basis for faulty status from November 2020 to July 2021 and the faulty meter got replaced on 20.07.2021 resulting inordinate delay of 40 weeks.
- (vi) The Forum, by its Order dated 04.01.2022 has partly allowed the grievance. The Forum has given compensation of Rs.2000/- for such inordinate delay in replacement of faulty meter and Rs. 50/- per week maximum up to Rs. 250/- for which the Appellant is not satisfied. Under the Regulation, both the Forum as well as the Electricity Ombudsman are empowered to award delay compensation. However, awarding compensation of Rs.150/- per week for 40 days' totaling to Rs. (150x 40) 6000/- will be an exemplary award of compensation to the Respondent.
- (vii) Hence, the Appellant prays that the Respondent be directed
- to compensate Rs.150/- per week for 40 days' delay totaling to Rs. (150 x 40) 6000/- against Rs.50/- per week maximum up to Rs. 250/- awarded by the Forum.
 - to award the cost of Rs. 1000/- (typing + print out+ speed post postage etc.
4. The Respondent filed its reply by a letter dated 07.04.2022 stating in brief as under:-
- (i) The Appellant is a three-phase residential consumer (No.172010012959) from 11.04.2014 having SL of 4 KW at Flat No. 805, G Building, Pristine Profile, Near Sayaji Hotel, Wakad, Pune. The Meter (Sr. No. 06219352 Make- Genus) was installed to the Appellant.
- (ii) The Appellant was billed as per actual meter (Sr. No. 06219352 make- Genus) reading up to the billing month of August 2020. Display of meter disappeared, and meter was found faulty in the month of September 2020, hence the Appellant was billed on average basis of 320 units per month from September 2020 to July 2021.
- (iii) There was shortage of three phase meters due to Covid -19 pandemic, hence there was delay in replacement of meter. After normalcy of flow of meters from


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manufacturer, meters were made available for replacements from Corporate Office, work for replacement of faulty meters was undertaken on top priority. The Appellant`s meter was replaced with new meter having Sr. No. 16731269, Make-L&T on 20.07.2021 and fed to the IT Billing System on 21.07.2021.

- (iv) As per Appellant`s complaint of non-use of electricity for the period from November 2020 to June 2021 and as per spot verification report dated 20.07.2021 of Sectional officer, Tathawade, the bill was revised for Rs (-) 23629.66 (Revision Id-12146121 Dt 22.07.2021) for the period November 2020 to June 2021 by considering zero unit consumption i.e., totally non-use of the premises.
- (v) The Appellant approached the Forum on 13.07.2021. The hearing was held on 30.11.2021. The Forum, by its Order dated 04.01.2022 has partly allowed the grievance. The bill revision for the period of November 2020 to June 2021 was already done. Afterwards, the bill revision of `Faulty` Status of July 2020 was also done and credit B-80 for an amount of Rs.2848.94 was taken vide revision ID 12886006 dated 02.02.2022.
- (vi) As per order of the Forum, Rs 2000/- + Rs 250/- (Total- Rs 2250/-) was also credited towards compensation in Appellant`s bill on 06.02.2022 (Bill Revision ID 12896770). The order of the Forum is obeyed in Toto.
- (vii) The Appellant`s prayer regarding inadequate compensation of Rs.2000/- was unwarranted considering the Covid-19 pandemic situations. There was no flow of meter from manufacturers to MSEDCL in peak period of Covid-19. After improvement in stock of meters the meter was replaced. The delay in replacement of meter due to Covid-19 pandemic is beyond the control of distribution license.
- (viii) The Respondent referred the Regulation 26.1(a) of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021(the Supply Code & SOP Regulations 2021). The licensee is exempted from meeting their obligations under these Regulations in case of force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, precautionary disconnection of supply, fire affecting


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licensee's installations and activities. The Covid-19 pandemic comes under force measure.

- (ix) The Respondent has taken due care of meter replacement after improvement of meter flow for faulty meter. The Appellant was kept informed in total affair.
- (x) Considering all these facts and provision of Regulations, representation of the Appellant is totally unwarranted and hence be dismissed.

5. The hearing was held on 05.04.2022 through video conference. The Appellant argued in line with his written submission. The Appellant further argued that complaint for replacement of faulty meter was registered twice through online portal of the Respondent which was closed after five months i.e., in the month of May 2021 without taking any action including intimation to the Appellant. This is highly objectionable and indicates how the Respondent is careless for servicing its consumers. This is sample case like litmus test but it is necessary that the working of the Respondent must be improved. The Appellant narrated the case in details and prays that the Respondent be directed to compensate of Rs.150/- per week for 40 days' delay totaling to Rs. (150x 40) 6000/- and the interest of about Rs.911/- be granted as Appellant has paid all high bills of faulty Status of meter which was refunded to the Appellant after bill revision in the bill. The Respondent utilized this amount in advance and hence while refunding it is necessary to refund with interest.

6. The Respondent argued in line with its written submission. The Respondent argued that there was delay for meter replacement of the Appellant due to Covid-19 pandemic which is beyond the control of distribution license. The Respondent referred the Regulation 26.1(a) of the Commission of the Supply Code & SOP Regulations 2021. The licensee is exempted from meeting their obligations under the Regulation 26.1 (a) in case of force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, precautionary disconnection of supply, fire affecting licensee's installations and activities. The Covid-19 pandemic comes under force majeure. The Respondent has taken due care of meter replacement after improvement of meter flow for faulty meter. The Appellant was kept informed of the situation during the case. Hence, the Respondent prays that the representation of the Appellant be dismissed.


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Analysis and Ruling

7. Heard the parties and perused the documents on record. The Appellant is a three phase residential consumer. The meter of the Appellant was found defective from September 2020. The Appellant was billed on average basis of 320 units per month from September 2020 to July 2021. The meter of the Appellant was then replaced on 20.07.2021. The bills which were sent on Faulty Status were revised by the Respondent and necessary credits were also passed on the ensuing bills.

8. The Appellant contended that he made a complaint for replacement of faulty meter through online web-based portal of the Respondent, however the Respondent did not replace the meter within the time schedule of two billing cycles but replaced it after 40 weeks. On the contrary, the Respondent stated that there was no supply of meters from manufacturers to MSEDCL in the peak period of Covid-19. After improvement of stock position of meters, the meter of the Appellant was replaced. The delay in replacement of meter due to Covid-19 pandemic is beyond the control of distribution license.

9. The Covid-19 pandemic has caused global disorder in financial and commodity markets. The Regulations 26.1 of the Supply code & SOP Regulations 2021 of the Commission speaks as below:

“ 26. Exemptions

26.1. Nothing contained in these Regulations shall apply where, in the opinion of the Commission, the Distribution Licensee is prevented from meeting his obligations under these Regulations by—

a. force majeure events such as cyclone, floods, storms, war, mutiny, civil commotion, riots, lightning, earthquake, lockout, precautionary disconnection of supply, fire affecting licensee’s installations and activities;


b.....

c.

d. or other occurrences beyond the control of the Distribution Licensee:

Provided that the Distribution Licensee shall not be excused from failure to maintain the standards of performance under these Regulations, where such failure can be attributed to negligence or deficiency or lack of preventive maintenance of the distribution system or failure to take reasonable precaution on the part of the Distribution Licensee.”

..... Emphasis added.


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There was a complete lockdown in the first wave of Covid -19 for the period from March 2020 to June 2020. Afterwards, it was to some extent opened for social life. The pandemic continued for second and third wave which also badly affected various businesses. The manufacturing sector of energy meters was also hit hard due to Covid-19 pandemic and hence, the Respondent suffered shortage in meters. The chain of manufacturing process was broken. After stabilization, civil life started to normalize in stages.

10. The period for replacement of meter and compensation payable is described in Annexure II of the Supply code & SOP Regulations 2021 of the Commission which is reproduced as below:

Annexure - II: Level of Compensation Payable to Consumer for failure to meet Standards of Performance


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<i>Supply</i>	<i>Standard</i>	<i>Compensation Payable</i>	<i>Automatic/Manual</i>	
3. Meters (excluding accessories related to Communication)				
(i)	
(ii)	<i>Replacement of meter if found faulty</i>	<i>Within subsequent billing cycle</i>	<i>Rs. 50 per week or part thereof of delay subject to maximum of Rs 250.</i>	<i>Automatic</i>

The Forum, in its order has already taken into consideration all factors in detail for paying compensation, hence, there is no need to interfere in the order of the Forum.

11. Hence, the Representation is rejected and disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

