

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 57 OF 2020

In the matter of billing

Purushottam L. Bhardwaj Appellant

V/s.

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

Appearances

For Appellant : Dnyandeo P. Sawant, Representative

For Respondent : 1. Sinhajirao D. Gaikwad, Executive Engineer, Nerul
2. Shridhar Murkute, Addl. Executive Engineer, CBD S/dn


Coram: Deepak Lad

Date of hearing: 9th September 2020

Date of Order : 9th October 2020

ORDER

This Representation is filed on 15th July 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 11th February 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL Bhandup Zone (the Forum).


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2. The Forum by its order dated 11.02.2020 has partly allowed the grievance application in Case No. 10/2019 and directed as under: -

“2. The respondent utility shall recover the electricity consumption charges from Applicant without any interest, penalty and DPC and that the outstanding amount in six equal monthly installments in the billing.”


3. Not satisfied with the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The Appellant is a commercial consumer (No. 000316800238) from 28.08.2008 having sanctioned load of 3.5 kW in the bill at Shop No. 9, Bellavista Co-operative Society Ltd., Plot No.46, 47 & 48, Sector 15, CBD Belapur, Navi Mumbai for its hotel business. The Meter No.06504829282 is installed for this connection by the Respondent.
- (ii) The Appellant received excess bill in the month of March 2018 for Rs.2,09,550/-. The Respondent issued disconnection notice on 25.05.2018 for payment of outstanding bill of Rs.2,09,550/-.
- (iii) Therefore, the Appellant filed a grievance application before the Internal Grievance Redressal Cell (IGRC) on 23.10.2018. The IGRC, by its order dated 02.01.2019 has rejected the grievance application and directed to pay the bill in 6 equal monthly instalments.
- (iv) The said premises was/is given for rent on leave and licensee basis to
 - a. M/s Tuljabhavani Enterprises, Proprietor, Mr. Prashant Kalyankar for the period from 15.06. 2016 to 31.05.2017
 - b. Mrs Megha Yogesh Sharma for the period from 01.06.2017 to 28.02.2018 and
 - c. Mr. Richard Jacob Giripoggu for the period from 01.03.2018 to 30.11.2020 for conducting the business of cafe undertaking sell of tea/coffee and snacks.


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- (v) The average consumption of the said Cafe is in the range of 500 to 600 units per month. The Appellant received an exorbitant bill of Rs.2,09,550/- for 16755 units for the month of March 2018. The Appellant was billed for the consumption having range of 1500 to 2400 units per month from April 2018 to March 2020 and range of 600 to 1100 units per month from April 2020 onwards.
- (vi) Meter is not checked by accucheck, no evidence is produced before the authority to show that the meter is checked. It is denied that meter is checked, and photo image is shown to the Appellant or their representative. There is no documentary evidence to show that the billing is proper. The Respondent has given their bills randomly.
- (vii) Not satisfied by the order of the IGRC, The Appellant approached the Forum on 09.05.2019. The Forum by its order dated 11th February 2020 has partly allowed the grievance directing the respondent to recover the electricity consumption charges from the Appellant without any interest, penalty and delayed payment charges (DPC). The Appellant has allowed to pay outstanding amount in six equal monthly instalments.
- (viii) The Forum failed to appreciate that the meter working is abnormal and hence the said meter is defective. In the circumstances, the Respondent can bill only for three months on average basis and need to replace the meter. The written argument submitted by the Appellant is not considered. The order of the Forum is bad in law and not maintainable therefore required to be set aside. The Forum did not allow his Advocate to appear before them and to argue his case, therefore he was handicapped without the help of his Advocate. Hence the order is without any merit.
- (ix) The Appellant preferred a revision before this Authority. Due to COVID-19, there was lockdown in Mumbai City, therefore Appellant could not file this revision on or before 18th May 2020, delay in filling the Representation be condoned.
- (x) The Appellant prays:
- to set aside the disconnection notice dated 25.05.2018 as the bill itself is wrong.
 - the bill dated 26.03.2018 and subsequent bills showing arrears of bill be cancelled and Respondent be directed to give regular bills as per the consumed units.



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- c) to conduct the enquiry in respect of the bill dated 26.03.2018 or in respect of electric meter of the Appellant and proper bill may be given to the Applicant.
- d) Interim stay for disconnection of the supply.
- e) Cost of this application be provided.
- f) Any other order as may deemed feet be granted.

4. The Respondent filed its reply by email dated 14.08.2020 stating in brief as below: -


- (i) The Appellant is a commercial consumer (No.000316800238) from 28.08.2008 having sanctioned load of 3.5 kW at shop No. 9, Bellavista Co-operative Society Ltd. CBD Belapur, Navi Mumbai. The Appellant is in business of hotel. The meter having No. 06504829282 is installed to the Appellant.
- (ii) Photo Reading of the said meter for March 2020 shows KWH reading as 30606. This reading is accumulated one and hence the Appellant was billed for Rs.2,09,550/- for accumulated consumption of 16755 (i.e. 30606-13851) units in the month of March 2020.
- (iii) The representative of the Appellant visited the Respondent's Sub-Division office to discuss the excess bill complaint of the Appellant. It was explained to him in detail that the meter reading agency punched wrong readings for few months instead of actual readings of the meter which resulted in under billing of the Appellant. The meter reading agency acted with mala fide intention in connivance with the occupier of the shop at the relevant point of time. The meter readings on various photos of the meter taken during various months shows different readings however, different readings are punched in the system files. For instance, photo-readings of the meter as per M-30 Report of Computerised Billing System taken by that agency for October 2017 - 22303, November 2017 - 24201, and February 2018 - 28664. However, the meter reading agency of the Respondent punched the different meter readings with ill intention. The photos of meter readings of previous months available with the Respondent were shown to the Appellant.


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- (iv) In addition, the said meter is checked by Accucheck and the test result of the meter found in order. Not only this, to satisfy the Appellant, an additional meter was placed in series with the main meter at the consumer's premises. Both these meters have recorded almost same consumption for a particular period. This substantiates the fact that the main meter is in order.
- (v) The said bill for consumption of 16755 units was bifurcated considering the data in the CPL and slab benefit was given. Further, show cause notice was issued to Meter Reading Agency towards blockage of revenue. Levying of penalty on the Agency is under consideration.
- (vi) The Appellant filed a grievance application before the Internal Grievance Redressal Cell (IGRC) on 23.10.2018. The IGRC, by its order dated 02.01.2019 has rejected the grievance application and directed to pay the bill in 6 equal monthly instalments. However, the Appellant approached the Forum. The Forum, by its order dated 11.02.2020 has partly allowed the grievance application. The Forum has rightly decided the case. As per direction of the Forum, the Respondent issued a letter to Appellant on 05.03.2020 requesting to pay the outstanding bill in six equal monthly instalments. The Respondent is eligible to get recovery from the Appellant of consumed units. The Forum has rightly decided to recover outstanding amount from the Appellant.
- (vii) In view of the above, the Respondent prays that the representation of the Appellant be rejected.

4. Due to the Covid-19 epidemic and subsequent situations arising out of it, hearing was scheduled on 26.08.2020 through video conferencing. However, it was postponed as per request of the Appellant. Afterwards, the same was held through video conferencing on 09.09.2020.


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5. During hearing, the Appellant argued that this is the case of jumping of reading counter of the meter in the month of March 2018 resulting in 16755 units consumption. Hence, meter of the Appellant is to be declared defective. Accordingly, the Appellant be billed on average basis as per the provision of Regulation 15.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations) for the month of March 2018. The Appellant argued that the Respondent sent an illegal disconnection notice dated 25.05.2018 on fictitious outstanding dues. Hence it is necessary to set aside the disconnection notice as being illegal. The Appellant has rented this shop and now the rental agency is not available. The Appellant prays that Respondent be directed to withdraw bill of March 2018 and to give regular bills as per the consumed units of remaining months withdrawing interest and DPC till date.

6. The Respondent argued during the hearing that the meter was tested on 21.03.2018 in the premises of the Appellant by Accucheck. The test result of the meter is found in order. The photos of meter readings of previous few months are available with the Respondent and were shown to the Appellant. It is clear that meter readings in October 2017, November 2017 and February 2018 was 22303, 24201, and 28664 KWH respectively as per M-30 Report, of Computerised Billing System. The meter reading agency acted hand in gloves with the then occupier and deliberately allowed under billing. The Appellant has been billed only for the units consumed. The Respondent has bifurcated accumulated consumption for the period from period from December 2015 to March 2018. The Forum has already waived of interest and DPC and allowed payment to be made in 6 equal instalments. Therefore, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

7. Heard the parties and perused the documents on record. The delay in filing the representation is condoned considering Covid 19 issue. The Appellant is owner of the Shop No. 9



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and having electric connection (consumer No.000316800238) from 28.08.2008 with sanctioned load of 3.5 kW. According to the Appellant, he rented this property on leave and license basis and submitted the details of rental agency from 15.06.2016 till date. The basic issue in this case is that the Appellant is billed with accumulated consumption of 16755 units for Rs.2,09,550/- in the month of March 2018.

8. According to the Respondent, it appointed an agency for taking photo readings of consumers and subsequent works of punching of readings and making soft copy of the billing data for validation purpose. Meter reader of meter reading agency punched wrong readings for few months instead of actual monthly readings available on the meter. This has resulted in under billing to the occupier/ rental agency of the Appellant. The meter readings on photo files are correct readings. In photos, meter readings in October 2017, November 2017 and February 2018 was 22303, 24201, and 28664 KWH respectively as per M-30 Report of computerised billing system of the Respondent. However, the meter reading agency of the Respondent punched the different meter readings probably acting hand in gloves with the occupier with an intention to defraud the Respondent as well as the owner of the premises. The photos of meter readings of previous months available with the Respondent were actual readings is taken from M-30 Report, of Computerised Billing System. Following table is a sample showing how readings on the photos and that actually punched by the Agency differs.

As per Photos of M30 Report					As per punched readings			
Month	Reading as per photo	Consumption	Period In months	Consumption per month	Reading punched	Consumption	Period in months	Consumption per month
Oct-17	22303	-	-	-	12051	-	-	-
Nov-17	24201	1898	1	1898	12642	591	1	591
Feb-18	28664	4463	3	1488	13851	1209	2	605
Mar-18	30606	1942	1	1942	30606	16755	2	16755



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It establishes clearly that the Appellant was under billed for the reasons best known to the Respondent prior to March 2018 as it failed to validate and monitor the consumption of a commercial consumer of high value. The Meter is tested by the Appellant and found in order. Hence the Regulation 15.4.1 of the Supply Code Regulations is not applicable in the said case as the Regulation 15.4.1 is for defective meter. The meter is not defective in the said case as the Respondent had put another meter in series with the main meter and both this meter shows the same consumption for a definite period. After March 2018, the consumption pattern of the Appellant is in the range of 1500 to 2400 units per month from April 2018 to March 2020.

9. In view of the above, I am convinced that the case is of accumulated consumption going unchecked at the Respondent level which has created unnecessary hassles and avoidable litigation. I therefore do not find it necessary to interfere with the order of the Forum. The forum has taken the correct stand in its order. During the hearing, the issue of meter testing not being done in the presence of the Appellant came up for discussion. In order to clear the doubts of the Appellant, the Respondent was directed to test the meter in the testing laboratory of the testing division with well in advanced notice to the Appellant to witness the test and was further directed to submit the test report to this office. On perusal of the said report it is observed that the meter is in order. Therefore, there is no question of applicability of Regulation 15.4.1.

10. The Respondent is directed to test the meter in National Accreditation Board for testing and Calibration Laboratory (NABL) at RST division Bhandup under Thane Urban Circle by giving proper notice to the Appellant to witness the testing and without any cost to the Appellant. Accordingly, the Respondent tested the said meter on 08.10.2020 and informed vide its letter No. EE/THN/TQA/Lab/Test/705 dated 08.10.2020 that the same is in order. It also informed that the Appellant witnessed the test. This letter has been received by email on 09.10.2020. This allays the contention of the Appellant that the meter may be faulty.


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11. The Respondent has already bifurcated accumulated consumption for slab benefits and the bill is revised. Hence, there is no merit in the grievance. I, therefore, pass the following order.

The Respondent is directed:

- (a) To issue a revised bill by withdrawing DPC and interest till the date of this order
 - (b) To allow the Appellant to pay the revised bill in seven monthly instalments along with current bill. In case of default, the interest, DPC shall be levied.
 - (c) To take strict action against the concerned meter reading agency.
 - (d) To pay Rs.1000/- towards cost of litigation by way of adjustment in the monthly bill.
 - (e) Compliance to be submitted within two months from the date of issue of this order.
12. The order of the Forum is modified to the extent as above.
13. The Representation is disposed of accordingly.
14. The secretariat of this office is directed to refund the amount of Rs.25000/- (deposited by the Appellant) to the Respondent for adjusting it against the Appellant's ensuing bill.

Sd/
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

