

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

## REPRESENTATION NO. 5 OF 2022

In the matter of excess billing

Spenta Enterprises ..... Appellant  
V/s

Brihanmumbai Electric Supply & Transport Undertaking... Respondent  
(High Value Consumers Department) (BEST Undertaking)

Appearances: -

Appellant : 1. Riyaz A.I. Dimtimkar, Representative  
2. Iqbal R. Qureshi, Representative

Respondent : 1. Bilal Shaikh, Divisional Engineer  
2. Jayant M. Lande, Asst. Engineer

**Coram: Deepak Lad**


Date of hearing: 16<sup>th</sup> February 2022

Date of Order : 24<sup>th</sup> February 2022

### ORDER

This Representation is filed on 28<sup>th</sup> January 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 25<sup>th</sup> November 2021 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum, by its Order dated 25.11.2021 has partly allowed the grievance application in Case No. S-HVC-439-2021. The operative part of the order is reproduced as below: -

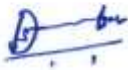
  
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*“2.0 The Respondent Undertaking is directed to modify the bill of November 2020 under clause no. 16.4.1 in respect of bill for the month of November 2020 for consumption of 4057 units only and to give appropriate credit to the complainant.”*

3. Aggrieved by the order of the Forum, the Appellant filed this Representation which is stated in brief as below: -


- (i) The Appellant is situated at Rapid Heights Cooperative Housing Society, Kolsa Street, behind Pydhonie Police Station, Mandvi, Mumbai who is also a Developer of Rapid Heights. It is having electric connection (No.102-001-0543) which is used for the purpose of Car Lift from ground to parking zone of the Rapid Heights Building.
- (ii) The use of electric connection of Car Lift is less as there is limited allotment of cars in parking zone. The Respondent installed a Meter No. P190058 on 21.08.2019 at the society complex for Car Lift. The average consumption is less than 50 units per month up to the month of February 2020.
- (iii) The Appellant has received very high electricity bills for the period from March 2020 to October 2020. Therefore, oral complaint was lodged with the Respondent on 05.10.2020. The High Value Consumers Department of the Respondent checked the meter in presence of the Appellant on 21.10.2020. The Respondent has put the remark on its Site Test Report that there was no display / no MRI and push buttons were not operating properly. This clearly established that the meter was defective. Thereafter, the meter was again retested by the Testing Team of the Respondent on site in presence of the Appellant. The Test Report of the meter stated that there was No Display / No MRI of the meter.
- (iv) However, during lockdown of Covid-19 Epidemic, there was sudden increase in consumption for the period from March 2020 to November 2020, though the use of Car Lift was limited. Despite this fact, the Respondent has insisted to make the payment of Rs.1,00,000/- on 26.11.2020 towards part payment. The Appellant has paid the said amount on 03.12.2020 under protest.
- (v) The Appellant has submitted written complaint to the Respondent on 21.02.2021. It was stated in the complaint that electric bills for the past few months since March

  
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2020 was very much high and it was suspected that wrong reading has been taken. It was further stated in the letter that prior to the installation of new meter, the unit consumption was not more than 100 units and after replacement of meter it was recorded as 110, 117 and 135 units of respective months. The consumption pattern did not vary considerably.


- (vi) Since there was no amicable solution, the Appellant filed its grievance application to the Forum on 17.08.2021. During the hearing, the representative of the Respondent said that they are not in support of the complainants' grievances and said that electricity was used from A/c. No.102-001-0543 (Car Lift) for lifting of water unauthorizedly as Water Pump connection was disconnected for nonpayment of arrears.
- (vii) In the first place, the Appellant submits that there is no evidence that the electricity for Water Pump meter, connection of which was disconnected, was used from the meter connection provided for Car Lift. There is no substance in the assumption of the Respondent that it was unauthorizedly used. Secondly, why it was not pointed out at the same time. Hence, allegation or assumption in case of unauthorized use of electricity is not acceptable, and therefore the Appellant prayed that this order be passed based on actual / physical facts and not on assumption. The Forum, by its Order dated 25.11.2021 has disposed the grievance application without touching the basic issue.
- (viii) Moreover, the Appellant has humbly requested to condone the delay for filing the Representation since there was restriction on movement of people to prevent the spread of covid / omicron.
- (ix) In view of above, the Appellant prays that the Respondent be directed
- a) To refund the payment of Rs.1,00,000/- on account for Car Lift meter after adjusting the consumed units.
  - b) To cancel the bills from March 2020 to November 2020.
4. The Respondent filed its reply by letter dated 11.02.2022 which is stated in brief as under:

  
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- (i) The Appellant is a Developer having sanctioned load of 50 KW (No. 102-001-0543) for the purpose of Car Lift from ground to parking zone at Plot-CS 1265-1266, 27/29, Rapid Heights CHS, Kolsa Street, behind Pydhonie Police Station, Mandvi, Mumbai.
- (ii) Three Phase Meter (Linkwell Telesystems make, Sr. No. P190058, 50-100A capacity) was installed for the Appellant on 21.08.2019. The consumption pattern of the Appellant was less than 50 units per month up to January 2020 (billing month February 2020). The consumption of the Appellant was increased from February 2020. The Appellant consumed 3051 units in February 2020 which was billed in March 2020.
- (iii) Since the readings of meter No. P190058 could not be obtained due to lockdown, the monthly bills of April to June 2020 (consumption of March to May 2020) were generated assuming the unit consumption period of February 2020. In the bills of May & June 2020, only 10% of the estimated consumption was charged, as per the guidelines issued by the Maharashtra Electricity Regulatory Commission (the Commission).
- (iv) In the month of July 2020, the meter reading was obtained and the accumulated consumption of 16825 units (consumption period from 01.03.2020 to 31.06.2020) was levied in the bill. At the same time, credit towards the amount levied against the estimated bills of April to June 2020 was given in the bill of July 2020.
- (v) The monthly bills from August to October 2020 (consumption period of July to September 2020) were generated as per the actual consumption recorded by the meter and downloaded through Common Meter Reading Instrument (CMRI). The monthly unit consumption during this period is as given below:

Billing Month	Consumption Period	Units consumed (Units)
Aug-20	Jul-20	4083
Sep-20	Aug-20	3948
Oct-20	Sep-20	4139

  
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- (vi) The Appellant has orally complained about testing the meter on 21.10.2020. The meter was tested on 21.10.2020 in presence of the Appellant. During site testing, it was observed that the push button of the meter was not operating properly, and there were water drops inside the meter screen. Reading parameters could not be obtained through CMRI nor the meter display was visible and hence the meter is declared as No Display/No MRI (NDNM). Hence, the bill for the month of November 2020 was generated for 4192 kWh units on estimated basis.
- (vii) The said meter was replaced by new meter (No.P200525) on 31.10.2020. The Appellant paid Rs.1,00,000/- on 03.12.2020 on its account. The removed meter was again tested on 27.02.2021 by Meter Department (Testing Section) of the Respondent. During testing, the meter was found defective.
- (viii) The Appellant approached the Forum on 17.08.2021. The Forum, by its Order dated 25.11.2021 has partly allowed the grievance application in Case No. S-HVC-439-2021 with direction to revise the bill of November 2020 as per provision of Regulation 16.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021) for consumption of 4057 units only. This order of the Forum has been implemented by Respondent and necessary credit towards the difference (i.e., 4192-4057) 135 kWh Units is given in the bill for the month of December 2021.
- (ix) The Appellant has raised high bill complaint for March 2020 on 21.02.2021 i.e., after the lapse of about one year. The billing for the period of March 2020 to October 2020 was based on the readings downloaded through CMRI, hence question of wrong reading does not arise. Therefore, the billing has been done according to the actual consumption.
- (x) The Appellant is having four connections, and its meters are located in the same meter room. Details are tabulated below:


  
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Purpose	Consumer A/c No.	Previous Meter No.	Replaced Meter	Remarks
Car Lift	102-001-543	P190058 (Defective on 21.10.2020)	P200525 (From 31.10.2020)	Dispute
G+32 (Water Pump/ Staircase lighting)	394-247-001	N123962 (Till 06.02.2020)	No. M209971 (From 27.10.2021) (394-247-135)	Dispute
Passenger Lift-1	1. 394-247-088 2. 102-001-762 3. 102-001-870	N127468	P182616	No Dispute
Passenger Lift-2	394-247-118	N177741		No Dispute

#### Details about Car Lift Connection, and Water Pump & Common Lighting

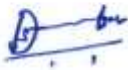
- The meter No. N123962 (Consumer No: 394-247-001) which was catering the load of water pump and common lighting was removed by the Respondent on 06.02.2020 due to non-payment of bills.
- It remained disconnected till 27.10.2021. After payment of outstanding dues, new Meter Connection (Consumer No: - 394-247-135) with Meter No. M209971 was released for the same purpose.
- Hence, it is to be noted that there was no meter for catering load of Water Pump and common lighting for the period from 06.02.2020 to 27.10.2020 (almost 9 months).
- The consumption on Car Lift Meter (No P190058) was found increased from February 2020 (billing month March 2020) to September / October 2020.
- This Car Lift Meter was declared defective on 21.10.2020 and replaced by Meter No. P200525 on 31.10.2020.
- After installation of meter No.M209971, consumption on Car Lift Meter has dropped to the extent of Water Pump & Common Lighting consumption.


  
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- (xi) The Appellant has not given any explanation about catering the load of Water Pump and Common lighting during the above period. Hence, from the consumption pattern of Common Amenity meter, it seems that the load of Water Pump and Common Lighting during disputed period might be met through the Meter No. P190058 meant for Car Lift, due to which its consumption has increased. Whatever may be the reason, the billing was done by Respondent for the period from March 2020 to October 2020 based on actual CMRI reading and same is in order.
- (xii) As contended by the Appellant, even after keeping aside the circumstantial evidence of meeting the load requirement of water pump and common lighting, when Meter for these installations was in the disconnected / removed position, the Appellant is liable to pay the bills for Car Lift Meter (No. P190058) on the following grounds:
- A) The bills for meter No. P190058, since its installation up to the month of October 2020, are as per the actual consumption recorded by the meter.
- B) The consumption levied in bill of November 2020 was estimated in line with the order passed by the Forum and as per the Regulations laid down by the Commission.
- (xiii) The bills raised by the Respondent for the billing months March 2020 to October 2020 are as per actual consumption recorded by the meter and only bill for month of November 2020 was based on estimated billing in accordance with the relevant Regulations of the Commission. Moreover, the Respondent has given relief to the Appellant as per the directives of the Forum.
- (xiv) The Respondent prays that the Representation of the Appellant be rejected with direction to it to pay the outstanding bills without further delay.

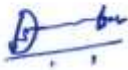
5. The hearing was held on 16.02.2022 on e-platform through Video Conferencing due to Covid-19 epidemic. The Appellant argued its case stating that an oral complaint of wrong billing was given on 05.10.2020 for Car Lift Meter No. P190058 for the period March 2020 to October 2020. This Car Lift is used by only one tenant and its consumption pattern is less than 50 units per month. However, the Respondent has abnormally billed in the range of 3000 to 4000 units per month for the period March 2020 to November 2020. The Respondent checked

  
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the meter in presence of the Appellant on 21.10.2020 and it was noted that there was no display /no MRI. This clearly established that the meter was defective. The defective meter was replaced on 31.10.2020, and after replacement of meter, the consumption recorded as 110, 117 and 135 units of respective months. The Appellant has paid Rs.1,00,000/- on 03.12.2020 under protest hoping that the matter would be settled in due course of time. A written complaint was also given to the Respondent on 21.02.2021. Subsequently, the Appellant approached the Forum on 17.08.2021. The Forum, by its order dated 25.11.2021 has disposed of the grievance without giving any substantial benefit. The Appellant further argued that the electric supply was not used from the Car Lift meter for usage of water pump and common lighting. In view of above, the Appellant prays that the Respondent be directed that the payment of Rs.1,00,000/- on account for Car Lift meter may be refunded after adjusting the consumed units, and the bills from March 2020 to November 2020 be cancelled.

6. The Respondent stated that the Appellant's society had four electricity connections, namely, (a) for water pump and common lighting, (b) for Passenger Lift-1 (c) for Passenger Lift-2 and (d) for Car Lift. Out of these 4 connections, the connection of water pump and common lighting was in arrears. The Respondent removed the meter of said connection on 06.02.2020. The Respondent further stated that normally the readings are taken by CMRI method by downloading the meter data. The reading of Car Lift meter was also taken by MRI in the billing month of March 2020, which was 0003269 kWh, the consumption was 3051 units and its KVA MD recorded was 34.24 kVA. There was lockdown from March 2020 onwards. The Respondent was not able to take readings on site hence the Appellant was billed on average consumption for billing months of April to June 2020 as per the guidelines of the Commission. The accumulated actual reading of the said meter was taken in June 2020 which was 0020094 kWh having consumption of 16825 units. The bill is spread out for 4 months giving slab benefit. Further, the Appellant is billed as per actual consumption for the billing month of August 2020 to October 2020. There was oral complaint from the Appellant for No Display on meter. The meter was tested on site on 21.10.2020 in presence of the Appellant. It was observed that meter push button was not operating properly. There was no display on the meter. It was not possible to download the MRI data of the meter. The peculiar observation was noted

  
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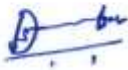





that there were water drops/ moisture inside the meter screen of the car lift meter whereas there was no water leakage in the meter room and the other three meters were found intact and without any moisture. The Appellant's society has paid the outstanding dues of water pump meter as well as statutory charges. The said connection was made Live on 27.10.2020. Further, the car lift defective meter was replaced on 31.10.2020 and thereby, the consumption of car lift meter got reduced probably due to removal of the water pump & common lighting load from the car lift connection. The Respondent further pointed out that the Appellant complained of high bill after nine months when the water pump connection was made Live. The Respondent argued that the Appellant has used water pump connection on car lift meter from 06.02.2020 to 27.10.2020 (when there was no meter for water pump). All the readings of the disputed period were taken by downloading on CMRI hence the consumption recorded is correct and also supports the KW (in the range of 25 to 29 KW) and KVA (in the range of 33 to 38 KVA) readings, recorded on the CMRI. The meter was found defective when it was tested on 21.10.2020. Total consumption of four meters remains near about same from March 2020 to November 2020 which is kept on record. The Respondent prays that the Representation of the Appellant be rejected and to direct the Appellant to pay the outstanding bills without further delay.

7. During the hearing, the undersigned raised a question to the Appellant as to how water for 32 storied building of the Appellant was lifted from the ground level. It replied that the water tanker has motor to lift the water to the top floor overhead tank. Then, I raised a question that this appears to be not possible technically as no water tanker can lift water to the overhead tank on the 32<sup>nd</sup> floor, to this the Appellant's Representative remained silent and did not contest. I further directed the Appellant to provide consumption of all four meters over a period of one year including the impugned period.

8. The Respondent vide its letter which is received in this office on 21.02.2022 has stated that the Appellant submitted an application in prescribed form for new electricity connection on 29.03.2019 for the purpose of car lift to be used for commercial purpose. However, the Appellant did not submit any data as directed.

  
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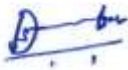
## Analysis and Ruling:


9. Heard the parties and perused the documents on record. The statistical data of Car Lift connection and Water Pump & Common Lighting connection is tabulated below:

Purpose	Car Lift	Water Pump/ Staircase lighting	Remark	Purpose	Car Lift	Water Pump/ Staircase lighting	Remark
Month	kWh Cons.(Units)	kWh Cons.(Units)		Month	kWh Cons.(Units)	kWh Cons.(Units)	
Sep-19	15	5551		Dec-20	110	4378	
Oct-19	42	4410		Jan-21	117	3973	
Nov-19	42	4961		Feb-21	135	3300	
Dec-19	28	4767		Mar-21	122	3742	
Jan-20	43	4704		Apr-21	154	3910	
Feb-20	35	3225		May-21	147	3819	
Mar-20	3051	Nil ***	***Meter Removed	Jun-21	108	4474	
Apr-20	3051*	Nil	* Average billing due to lockdown	Jul-21	135	3805	
May-20	3051*	Nil		Aug-21	55	3915	
Jun-20	3051*	Nil		Sep-21	14	4239	
Jul-20	16825	Nil		Oct-21	93	4104	
Aug-20	4083	Nil		Nov-21	270	4334	
Sep-20	3948	Nil		Dec-21	222	4474	
Oct-20	4139	Nil		Jan-22	173	4006	
Nov-20	R	4104	** Accumulated consumption				

10. Important issues in the case are noted as below:

- Total 4 connections are there in the same premises of the Appellant.
- Dispute is about consumption recorded on meter of Car Lift connection, and Water Pump & Common Lighting connection.
- All readings are taken by CMRI.
- Water Pump & Common Lighting connection was disconnected for arrears on 06.02.2020.
- Car Lift connection meter which has a consumption pattern of about less than 100 units consumption till January 2020, suddenly increased from February 2020, and it continued to be on higher side till new connection for Water Pump & Common Lighting was released after payment of arrears.

  
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- Car Lift connection's readings were taken by the Respondent through CMRI and till September 2020, the readings were showing higher demand and higher consumption so there cannot be any reason to doubt it. Only in October 2020, when the complaint was received, it was noticed that this meter lost its display, and some moisture was visible inside the meter.
- The Appellant did not point out or complained about higher consumption till October 2020 when it was receiving higher bills from March 2020 onwards. Even this complaint was oral.
- The Appellant in its submission has alleged that there is no direct evidence of it using Water Pump & Common Lighting load on Car Lift, however, it did not explain as to how water can be lifted on 32<sup>nd</sup> floor from the ground level.

11. From the above, I observed that rising of consumption in Car Lift meter from February 2020 to October 2020 and then showing reduced consumption, and disconnection of Water Pump & Common Lighting connection from February 2020 till October 2020 are self-speaking events and is strong circumstantial evidence which establishes a direct nexus between the two. It cannot be a simple coincidence. The nexus that clearly establishes that the Water Pump & Common Lighting load was internally transferred on the Car Lift connection. The plea for revision of bill under the guise of Car Lift meter going faulty is nothing short of cover up to the internal arrangement that has been done by the Appellant.

12. I will be failing in my duty, if I do not pen down here that no complaint whatever about the high bill for Car Lift connection till October 2020, existence of moisture and water drops inside the meter of Car Lift connection are the telling events of something fishy as far as that meter is concerned. There is more to it than meets the eye. I do not intend to cast any allegation in this regard as the Respondent is silent on this issue.

13. In view of the above, I am of the opinion that as the Respondent has revised the bill for the month of November 2020, there is nothing that remained to be resolved. The order of the Forum sustains.


  
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14. The Representation is disposed of accordingly.

15. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant, towards the meter connection of Car Lift (A/c. No. 102-001-543).

Sd/-  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
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