

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.33 OF 2021

In the matter of excess billing

Khan Zarina Salauddin Appellant

V/s.

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

Appearances:

Appellant : Parvez Ansari, Representative

Respondent : 1. Ajay Bhasakhetre, Addl. Executive Engineer, Bhiwandi
2. Mahesh Ghagare, Manager, Torrent Power Ltd.


Coram: Deepak Lad

Date of hearing: 17th & 18th June 2021

Date of Order :1st July 2021

ORDER

This Representation is received on 12th March 2021 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the Order dated 29th January 2021 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Preamble

During scrutiny of this case, it was noticed that there are outstanding dues of Rs.1,08,710/-as per submission of the Respondent recorded in the Forum's order. Hence, the Appellant was required to pay Rs. 25,000/- towards deposit as per Regulation 17.9(f) of CGRF Regulations 2006. However, the Appellant did not pay the same. Notice was served on 24.03.2021 for payment of deposit. The Appellant paid the deposit of Rs. 25,000/- by NEFT on 29.04.2021, hence, the Representation is registered on 29.04.2021.


2. The Forum has dismissed the grievance application by its order dated 29.01.2021 in Case No.33 of 2020 as under:

"1. This application is hereby dismissed with following directions.

2. Respondent is hereby directed to calculate the arrears of bill of this consumer from 15.09.2015 till this date and make its 12 equal installments and issue recovery of each installment in additional regular bill from Feb 2021."

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

- (i) The Appellant is a residential Consumer (No 000550203898) at Flat No. 406, Al Rizwan Palace., Rashid Compound, Kausa, Thane.
- (ii) The Respondent changed the Appellant's meter on 02.05.2014 with new meter No. 02775427 of Flash make meter which was 25% to 35% fast.
- (iii) Appellant's load is 0.325 KW and there are only two members in the family. The Appellant has made complaint on 14.09.2015 requesting to test the meter by putting a series meter in the circuit. It was followed with letter dated 27.10.2015 to the Respondent to change the Flash make meter by any other meter having test certificate. However, the Respondent did not do so. The Appellant again requested vide her letter dated 14.09.2017 (inward No. 6598 dated 14.09.2017) but there was no response from the Respondent. The Flash make meter was replaced on January 2016. This meter was in service for the period of May 2014 to January


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2016 which was fast by 25 to 35 %. The Respondent did not give effect of this in the bills, hence, she had to approach the grievance redressal mechanism.

- (iv) The Appellant filed the grievance application with the Internal Grievance Redressal Cell (IGRC) on 07.05.2018. The IGRC vide its order dated 27.06.2018 has not given any relief. Not satisfied with the order of the IGRC, the Appellant approached the Forum on 23.11.2020. The Forum, by its order dated 29.01.2021 has dismissed the complaint and only allowed to pay the outstanding dues by 12 equal instalments. The Forum failed to appreciate that the Flash make meter was fast up to 25 to 35% for the period of May 2014 to January 2016.
- (v) In view of the above, the Appellant prays for direction to the Respondent :-
- (a) To revise the bill considering the Flash make meter to be fast at the range of 25 to 35 % for the period from May 2014 to January 2016.
- (b) To waive of the interest amount on the bills till date.

4. Torrent Power Ltd.(TPL), the Distribution Franchisee of the Respondent MSEDCL filed its reply letter dated 15.06.2021 stating that it has been appointed as the Distribution Franchisee by the Respondent MSEDCL for the purpose of operation and maintenance of supply along with its billing to the consumers in Shil, Mumbra and Kalwa area . TPL has taken over the charge as Distribution Franchisee from 01.03.2020. The subject matter of the Appellant is prior to before taking charge as Distribution Franchisee. The TPL clarifies that the Appellant has paid only monthly current bill without pending dues by installment after order of the Forum dated 29.01.2021.

5. The Respondent MSEDCL filed its reply dated 17.05.2021 stating in brief as under: -
- (i) The Appellant is a residential Consumer (No 000550203898) from 08.03.1994 at Flat No. 406, Al Rizwan Palace, Rashid Compound, Kausa, Thane.
- (ii) As per Consumer Personal Ledger (CPL) and available data, the Respondent has replaced old Meter (No. 00622325) by Flash make meter (No. 02775427) on 02.05.2014 which was further replaced by new meter (No. 03400403) of Pal Mohan



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make on 16.02.2016. The Flash make meter (No. 02775427) was therefore in service from 02.05.2014 to 16.02.2016.

- (iii) The Respondent issued monthly bill to the Appellant as per actual meter reading till August 2015. The Appellant was in arrears for Rs.18,648/ at that time. The bills for six months from September 2015 to February 2016 was issued on average basis. The bills were revised in the month March 2016 and credit of Rs.7989.67 was given in the bill of March 2016. The meter is already checked by accucheck in the presence of consumer and meter found in order. The bills raised to the Appellant are as per actual meter reading. The Appellant made the last payment on 15.09.2015. The MSEDCL dues reached to Rs. 92227.87/- in February 2020.
- (iv) The Appellant filed the grievance application with the Internal Grievance Redressal Cell (IGRC) on 07.05.2018. The IGRC vide its order dated 27.06.2018 has rejected the case.
- (v) The Appellant approached the Forum on 23.11.2020. The Forum, by its order dated 29.01.2021 has dismissed the complaint being time barred and only allowed to pay the outstanding dues by 12 equal instalments. However, the Appellant did not pay the same.
- (vi) The Respondent appointed TPL as Distribution Franchisee. The bills are issued by TPL from March 2020 onwards. MSEDCL arrears prior to March 2020 are continuously shown on the bills which are recoverable as per Section 56(2) of the Electricity Act, 2003. The electricity bills are delivered on the same premises on monthly basis and the Appellant is quite aware of the bills and outstanding dues.
- (vii) The Respondent prays that the representation of the Appellant be rejected.

6. The hearing was held on 17.06.2021 through video conferencing due to Covid-19 epidemic. However, there was an issue of clarity in communication and it was postponed for physical hearing next day at TPL Office, Kalwa. Hence, physical hearing was held on 18.06.2021 at TPL Office, Parsik Nagar, Kalwa with due care under Covid-19 protocol.


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7. During the hearing, the Appellant argued that despite her request, the Respondent did not test the meter. The submission of the Respondent that the meter was tested on 29.03.2017 with accucheck is wrong as it is with respect to Pal Mohan make Meter No. 03400403 and not Flash make Meter No.02775427 of which she has raised the complaint. The Flash make meters in general were 25% to 35% fast. Therefore, the Respondent should revise the bill from 02.05.2014 to 16.02.2016 during which the Flash make meter was in service.

8. The Respondent argued that the meter was tested with accucheck and found to be correct therefore, there is no question of revision of bill. Moreover, the Flash make Meter No.02775427 is not physically available for testing now. The case is time barred as the Appellant approached the Forum on 23.11.2020 for her grievance for the period May 2014 to February 2016. This does not go in line with the Regulation 6.6 of the CGRF Regulations 2006.

Analysis and Ruling

9. Heard the parties and perused the documents on record. I found that the reply of the Respondent is not cohesive as far as its submission about testing of meter is concerned. The Respondent submitted that it has tested the meter by accuchek. However, this testing was done by the Respondent on 29.03.2017 when the Flash make meter was not in service at all. Notwithstanding this, I noticed that the Appellant has raised the grievance with respect to excess bill for the period 02.05.2014 to 16.02.2016 during which Flash make meter was in service. Even if, the latter date of 16.02.2016 is considered, the Appellant should have filed the grievance within two years i.e. prior to 16.02.2018 as per the matrix available under Regulation 6.6 of the CGRF Regulations 2006 which stipulates that “*The Forum shall not admit any Grievance unless it is filed within two years from the date on which the cause of action has arisen*” However, the Appellant approached the Forum on 23.11.2020 which is much beyond the period of two years. Therefore, the grievance has become time barred. The Forum has rightly rejected the grievance on this ground. However, the Forum has allowed the Appellant to pay the arrears in 12 equal instalments. I have therefore no reason to interfere with the order of the Forum which is reasoned and speaking one.



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10. The Representation is therefore disposed of accordingly.

11. The secretariat of this office is directed to refund the amount of Rs.25000/- (deposited by the Appellant) to the Respondent by way of adjusting it against the Appellant's ensuing bill.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

