

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 12 OF 2021

In the matter of billing

Namdev Jaitu Sabale..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kalyan(R) (MSEDCL)... Respondent

Appearances

Appellant : Namdev Jaitu Sabale

Respondent : Chetan Wagh, Assistant Engineer, Shahapur, Sub Dn.


**Coram: Deepak Lad**

Date of hearing: 8<sup>th</sup> April 2021

Date of order: 12<sup>th</sup> April 2021

**ORDER**

This Representation is filed on 11<sup>th</sup> June 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the Order dated 23<sup>rd</sup> January 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).


  
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Secretary  
Electricity Ombudsman Mumbai



2. The Forum, by its order dated 23.01.2020 has dismissed the Grievance Application No.1990 of 2019-20.

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

- (i) The Appellant is a farmer having electric connection (Consumer No. 120650506478) from 22.01.2009 at H.No.282, Umbrai Gaon, Shahpur for dairy purpose. The Appellant collects milk from nearby villages and store it in his dairy. The Appellant's activity comes under Industrial tariff category however, it was billed under Commercial tariff category wrongly by the Respondent.
- (ii) The meter of the Appellant was not working from September 2016 to December 2016. Hence, the Respondent changed the meter in the month of January 2017.
- (iii) In the month of March 2017, the Appellant received exorbitant bill even though milk collection was very abysmal during that period. The Respondent continued to issue the exorbitant bills to the Appellant without taking actual meter reading. As a result, the Appellant again received huge bill in the month of July 2017. He therefore filed complaint with the Respondent on 07.12.2017 and followed up the matter orally by visiting the offices of the Respondent but to no avail.
- (iv) Finally, the Appellant filed complaint with the Internal Grievance Redressal Cell (IGRC) on 14.10.2019 but no hearing took place. Therefore, he approached the Forum on 16.12.2019 but his complaint was dismissed. Aggrieved with the order of the Forum, the Appellant filed this representation.
- (v) The Appellant has prayed that despite his connection being Industrial, he was charged Commercial tariff category, hence, whatever excess amount is charged be refunded with interest and the meter be declared faulty and the bill be revised accordingly. The Appellant further prayed that compensation of Rs.1,00,000/- be awarded towards harassment.


  
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4. The Respondent filed its reply dated 19.03.2021 stating in brief as under:
- (i) The Appellant is a farmer having electric connection (Consumer No. 120650506478) from 22.01.2009 at H.No.282, Umbrai Gaon, Shahpur for dairy purpose.
  - (ii) As per the complaint of the Appellant (Consumer No. 120650506478) and after perusing his CPL it is observed that for the period from September 2016 to January 2017, the Appellant was billed on RNT status for 172 units per month. The meter being faulty, it was replaced in January 2017. Then in March 2017, bill for 1136 units for the 7 months' period i.e., September 2016 to March 2017 was issued. The Appellant was given adjustment of Rs.8155.29 through online system. The Appellant paid bill of Rs.1200/- for February 2017 on 27.03.2017.
  - (iii) The Appellant was again inaccessible from April 2017 to June 2017; hence, the bills were prepared on RNT status. The reading was taken in July 2017 for accumulated consumption of 3518 units for 4 months. This was adjusted for 4 months through system as lock credit adjustment and bill was accordingly issued.
  - (iv) The Appellant has not paid the bill from March 2017 onwards hence the arrears got accumulated and finally in December 2017, his meter was removed, and supply was disconnected.

5. The hearing was initially scheduled on 07.04.2021. The Respondent not being available on e-platform on 07.04.2021, secretariat of this office contacted the Respondent when it was informed that the Executive Engineer and Dy. Executive Engineer, both were suffering from Covid-19. Therefore, with due consent of the Appellant, the hearing was scheduled on 08.04.2021 which was attended by another officer of the Respondent.

6. The hearing was held on 08.04.2021 but not on e-platform due to network issues, hence with due consent of the parties, it was conducted on audio conferencing due to Covid-19 Epidemic.

  
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7. During the hearing, the Appellant argued that he has 3000 litres capacity fridge for storing milk. Normally, he used to store around 1000 litres milk in it, which was collected from milk suppliers. He argued that the Respondent informed him that huge bill is on account of faulty capacitor. He requested the Respondent to test the meter also. The allegation of the Respondent that the meter was inaccessible is incorrect as his premises was never locked and was open for inspection any time during working hours. He has paid Rs.25,000/- and Rs.10,000/- on two occasions on the request of the Respondent. His dairy business was not doing well therefore, he has closed it and bakery business has been started for which the Respondent has issued new connection. There is no default on his part, nor did he play any mischief with the installation and therefore prays that the bill be revised suitably, and interest and delayed payment charges levied, if any, may be waived of.

8. The Respondent argued that the Appellant was informed about the faulty capacitor at his installation. The meter being faulty from September 2016 till December 2016, it was replaced in January 2017. The Respondent agreed that there were irregularities in meter reading, however, the Appellant was given due credit on account of average billing. The Appellant did not pay the bills hence, his supply was disconnected in December 2017. Fresh connection has been given to the Appellant for bakery purpose at the same premises as the Appellant has given undertaking to pay the arrears of his own old dairy connection. Billing dispute has been resolved and therefore, nothing remains to be addressed. The Respondent argued that tariff applicable to the dairy unit was Commercial from the date of connection and is correct as per the applicable tariff order of the Commission. Therefore, there is no question of refund on account of tariff difference.

### **Analysis and Ruling**

9. Heard the parties and perused the documents on record. The most important document in this case which reveals all minute details of billing of the Appellant is the Consumer Personal Ledger (CPL). Important parameters of the CPL are tabulated below: -

  
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FY 2016-17				FY 2017-18			
Month	Meter Status	Consumption	Current Reading	Month	Meter Status	Consumption	Current Reading
Apr-16	Normal	40	4982	Apr-17	Inaccess	162	1137
May-16	Normal	173	5155	May-17	R.N.T	162	1137
Jun-16	Normal	295	5450	Jun-17	R.N.T	162	1137
Jul-16	Normal	89	5539	Jul-17	Normal	3518	4655
Aug-16	Normal	132	5671	Aug-17	Normal	880	4655
Sep-16	Inaccess	172	5671	Sep-17	Normal	2818	7473
Oct-16	R.N.T.	172	5671	Oct-17	Normal	282	7755
Nov-16	Inaccess	172	5671	Nov-17	Normal	526	8281
Dec-16	Inaccess	172	5671	Dec-17	No Meter	739	8281
Jan-17	Inaccess	172	5671	Jan-18	PD	0	0
Feb-17	Replaced	80	1				
Mar-17	Normal	1136	1137				

On careful study of the CPL, it is observed that the Appellant was billed correctly till August 2016 as per normal status and as per actual reading. The meter appears to have gone faulty then onwards. The CPL also shows that the meter is replaced somewhere in January 2017. Therefore, from September 2016 to March 2017 for 7 months, the Appellant was billed on average basis  $(295 + 89 + 132 = 516/3)$  which works out to 172 units per month calculated from the actual consumption of June, July, August 2016, and necessary credit was passed on to the Appellant in the month of March 2017.

The Appellant was again billed at 162 units per month for April, May and June 2017 with meter status as RNT and inaccessible. The bill in the month of July 2017 is prepared on actual reading and the Appellant was billed for consumption of 3518  $(4655-1137)$  units and necessary credit was passed on to the Appellant for average billing in July 2017. The bills for August 2017 to November 2017 are as per actual reading and again billed on average basis for December 2017. Supply of the Appellant's connection was disconnected by removing the meter in December 2017 for non-payment of bills. The Appellant alleges that no notice for the same was served.

10. In view of the above sequence of events, I am, of the opinion that barring meter faulty period, the billing of the consumer on most of the occasions, was not done as per actual reading particularly when the Appellant is a commercial consumer with 12 KW load. The Respondent

  
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has not submitted any reason for the same nor it has refuted the allegations of the Appellant of disconnection of supply without any notice. Now there is no billing dispute that needs to be resolved as the Respondent has corrected the bills with passing of necessary credit to the Appellant. The dispute thus got resolved in two tranches for average billing. Moreover, the Respondent issued new connection for bakery at the same premises to the Appellant on agreeing to pay the arrears of his earlier dairy connection.


11. Though the Appellant, in its submission, has simply said that the tariff category applicable to its business should have been Industrial instead of Commercial, it has not substantiated this claim with documentary evidence. However, as per the tariff order of the Commission in Case No. 48 of 2016, the Appellant has been appropriately billed under Commercial tariff category. It is not understood as to why the Appellant has raked up this issue when it has been billed at Commercial tariff category from the date of connection.

12. In view of this, I pass the following order: -

- (a) The Respondent is directed to waive interest and DPC, if levied already for the two tranches of disputed period.
- (b) The Respondent is also directed to pay Rs.1500/- to the Appellant towards the cost of litigation, which shall be adjusted against the arrears.
- (c) The Respondent may grant suitable instalments, if the Appellant so desires, for payment of arrears of dairy connection however, it shall be without any interest if paid as agreed.
- (d) The order of the Forum is revised to the extent above.
- (e) Respondent to submit compliance within one month from the date of this order.

13. The representation is disposed of accordingly.

Sd/  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

