

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

REPRESENTATION NO. 42 OF 2020

In the matter of application of wrong tariff category

Gulabrao Baburao Karanjule ..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Ulhasnagar II (MSEDCL) .....Respondent

Appearances

For Appellant : J. S. Rajput, Representative

For Respondent : 1) Ashok P. Sawant, Ex. Engineer, Ulhasnagar II  
2) Shailesh S. Kalantri, Add. Ex. Engineer, Ulhasnagar II


**Coram: Deepak Lad**

Date of Hearing: - 23<sup>rd</sup> July 2020

Date of Order : - 11<sup>th</sup> August 2020

**ORDER**

This Representation is filed on 3<sup>rd</sup> March 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 17<sup>th</sup> February 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone.


  
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2. The Forum, by its order dated 17.02.2020 has dismissed the Application No. 1977 of 2019-20.


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

- (i) The Appellant has agricultural plot allotted by Ambernath Co-operative Farming Society. The Appellant has cultivated banana crop on this agricultural plot.
- (ii) Initially, the Appellant applied for agricultural connection. However, the Respondent intimated that there is no provision in computerised billing system to accept new agricultural connection hence it was suggested to apply in residential category which will be later converted to agricultural category.
- (iii) The Appellant had no choice since he urgently requires electricity for agricultural pump for watering the banana crop cultivation. Thereafter, the Appellant applied in residential category which was sanctioned by the Respondent and after payment of the statutory charges, the connection was released on 06.11.2018 having C.No.021524977319 in the name of Gulabrao Baburao Karanjule, H.No. 9905 /8 near Karanjule Dairy Farming Society, Ambernath.
- (iv) The use of power is mainly for the purpose of Agriculture farm through drip irrigation but the billing is done as per residential tariff category.
- (v) The Appellant uses electricity for watering banana crop cultivation for 2 /3 hours on alternate day through drip irrigation.
- (vi) The Appellant was issued the first bill in the month of February 2019 on average basis.
- (vii) This trend of average billing continued on illogical status, and then suddenly he received an exorbitant bill of May 2019 of 39,921 units amounting to Rs.6,55,630/- in the month of June 2019. The Appellant received bill for the month of June, July and August 2019 on average basis with a status of 'inaccessible', 'reading not available' and 'locked' respectively.
- (viii) The Appellant received total bill of Rs.8,84,260/- in the month of July 2019
- (ix) The Appellant received bill for September 2019 indicating bill period for 4 months progressive amounting of Rs.6,85,020/-

  
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- (x) Being rainy season from June 2019 to October 2019, he was not in need of water through agricultural pump for the banana cultivation. However, there was huge consumption of power in meter during this period. This clearly established that meter is not functioning properly.
- (xi) The representative of the Appellant has collected the information by way of RTI Act 2005 that 11 number of meters of HPL make found defective due to various reasons like Maximum Demand (MD) shoot up and other reasons. This indicate that there is a problem in the HPL make meter.
- (xii) The Appellant has complained by letter dated 28.08.2019 to the Respondent for exorbitant bill due to the fast running of meter and requested to check the meter. The electricity connection of the Appellant was disconnected in the month of August 2019. The Appellant again complained on 18.09.2019 for revision of bill. The Appellant has sent cheque of Rs.27,720/- on 30.10.2019 by Registered A.D. requesting to solve his grievance. However, the Addl. Executive Engineer of the Respondent did not accept the payment and returned the cheque vide its letter dated 04.11.2019. Pursuant to the Appellant's request, he also intimated the addresses of the higher authority vide its letter dated 15.11.2019 for accepting cheque.
- (xiii) The Appellant approached the Forum on 07.12.2019 with prayers as under :
- (a) To direct the Respondent to accept the cheque of Rs.27,720/- and reconnect the supply.
- (b) To replace the existing meter by new one which is of reputed manufacturer.
- (c) To revise the bill accordingly.
- (xiv) Meanwhile, the Forum directed the Respondent, on 09.12.2019, to replace the meter and reconnect the supply. Then by its order dated 17.02.2020 has dismissed the Application No. 1977 of 2019-20. The Forum did not give opportunity to express in detail. The Forum did not understand the basic grievance. The Forum failed to take cognizance that HPL meter is not functioning properly even though sufficient proof was put up during the hearing.
- (xv) Although the Appellant had paid testing charges of Rs.11,210/- for testing the meter in National Accreditation Board for Testing Calibration Laboratory (NABL) however the meter was tested in the Respondent's testing laboratory in his absence. The meter was alleged to be found in order.

  
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- (xvi) The Appellant put on record various press cuttings that there were issues of defective meters.
- (xvii) The Appellant paid Rs.3 lakhs by Demand Draft towards part payment of the bill.
- (xviii) The Appellant prays to the Electricity Ombudsman as under:-
- (a) To revise the bill as per new meter consumption of January 2020 and February 2020
- (b) To apply agricultural tariff category instead of residential tariff category
4. The Respondent, by its letter dated 12.06.2020 filed its reply stating in brief as under:-
- (i) The Appellant is a 3-phase consumer (No.021524977319) billed in residential tariff category having sanctioned load of 10 KW from 06.11.2018 in the name of Gulabrao Baburao Karanjule at H.No. 9905 /8 near Karanjule Dairy Farming Society, Ambernath.
- (ii) Initially, the Appellant applied for agricultural connection. Due to policy of the Corporate Office, the sanction of agricultural connection was totally stopped and hence it was not possible to sanction the electricity connection under agriculture category. The Appellant knew this fact hence he applied under residential category. Accordingly, the said connection was sanctioned under residential category. After payment of the statutory charges, the supply was released on 06.11.2018.
- (iii) The first bill of the Appellant was issued on average basis in the month of February 2019. There was a lock to the property where the meter was installed hence the readings could not be taken for the months i.e. March and April 2019. The meter reader of the Respondent did not bring the reading of May 2019 hence the Assistant Engineer of the Section has visited the site and the meter was read on 07.05.2019 with kwh reading 39919. Prima facie, the reading was found excess as compared to the sanctioned load hence the said meter was tested in the presence of the representative of the Appellant. The meter was found in order.
- (iv) The bill of May 2019 was generated with kwh reading of 39922 for six months giving credit of previous bills issued on average basis.
- (v) The Appellant has tested the agricultural pump by the manufacturer, Crompton Greaves. The test result of the agricultural pump was found in order.

  
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- (vi) The Assistant Engineer of the Respondent visited the site on 20.08.2019, it was observed that the MD on the meter was found 21.53 kVA.
- (vii) The bills issued to the Appellant were explained in detail, however, the Appellant refused to pay the bills. The electricity connection of the Appellant was disconnected in the month of August 2019.
- (viii) The Appellant sent the cheque of Rs.27,720/- by Registered Post, however, the cheque was not accepted and returned to the Appellant vide letter dated 04.11.2019.
- (ix) The Appellant approached the Forum directly on 07.12.2019. The Forum directed the Respondent on 09.12.2019 to replace the meter. The meter of the Appellant was replaced on 11.12.2019 by 'Linkwell Telesystems' make meter and reconnected the supply.
- (x) The Appellant had requested to test the meter at NABL and had also paid the amount of Rs.11,210/- towards testing charges. The meter of the Appellant was tested on 01.01.2020 in NABL at Testing & Quality Assurance Laboratory, MSEDCL Thane. The test report of the meter was found in order.
- (xi) The bill of the Appellant is correct as per the consumption of the Appellant.
- (xii) The Respondent has pointed that the Forum has given hearings on 09.12.2019, 23.12.2019, 04.01.2020, 13.01.2020, 23.01.2020 and 03.02.2020. The Forum has given opportunity to the parties to express their views hence the allegation of the Appellant that the Forum did not give opportunity to express is not true. Hence, the Forum, by its order dated 17.02.2020 has rightly dismissed the Application No. 1977 of 2019-20.
- (xiii) In view of the above, the Respondent prays that the Representation of the Appellant be rejected.

5. Hearings, in general, could not be conducted due to onset of Covid-19 epidemic. Since then the conditions were not conducive for conducting the usual hearings through physical presence of the parties. The hearing in the instant case was scheduled on 23.07.2020 on e-platform after the consent from the parties. During the hearing, the representative of the Appellant argued that the bill issued to it is very excessive and it is not commensurate with the load of the agricultural pump. It inter alia means that there is some problem in the meter. However, it is surprised to note that during testing, the meter is found in order. The Appellant

  
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also argued that the Respondent has rejected its request to change the tariff category of the connection from residential to agricultural for the reasons best known to it.

6. The Respondent, however, argued that when the Appellant applied for agricultural connection, at that point of time, its system did not accept the applications for agriculture purpose. Hence, considering the urgency of the Appellant, connection was released under residential tariff category. The Respondent admitted that the bill for the month of February, March and April 2019 were issued on average basis. Moreover, the meter reader did not take the reading for the month of May 2019 hence the Respondent's officer visited the site on 07.05.2019 and he found that the reading on the meter is 39919. Since this consumption appears to be on higher side, the Respondent at its own tested the meter in its testing laboratory at Ulhasnagar Division II without taking any fee. The meter was found to be in order. The meter was again tested in NABL accredited laboratory of MSEDCL wherein the meter was again found to be in order. The allegations of the Appellant that the meter had not been tested in NABL despite paying the requisite fee is totally misplaced. MSEDCL laboratory is accredited by NABL having Certificate No.TC-5131 which is valid up to 03.01.2021. Therefore, there is no question of revision of bill. The Respondent further submitted that the Appellant's request to convert the tariff category from residential to agriculture is not approved by the higher authority. The meter has been replaced as per the directives of the Forum.

### **Analysis & Ruling**

7. Heard both the parties and perused the documents on record. I am surprised to note that the Appellant applied for agricultural connection strictly in accordance with its requirements. Only because the Respondent's system was locked for not registering agricultural applications, the Respondent's lower officials treated the request application of the Appellant to grant the connection under the residential category with total disregard to the issues in not allowing the agricultural applications to be entered into the system. This act of commission or omission on the part of the Respondent's lower rank and file officers has totally disregarded the policy decision, for whatever reason, that has been decided by the management. Not only this, these officers have violated provisions under the Electricity Act, 2003 and the rules and regulations made thereunder. They have taken the system of rules and regulations for ride. Simply because

  
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someone is ready to pay higher tariff, does not automatically allow the Respondent to grant connection to be billed under that tariff category with total disregard to the purpose for which the connection is required.

8. I have perused the site inspection report of the Respondent dated 20.08.2019 and 13.01.2020. In report of 20.08.2019, the Respondent has recorded the kwh reading as 0038048 and kVA MD in all four blocks as 21.176, 21.538, 21.208 and 20.944. Whereas in report of 13.01.2020 it has recorded kwh reading as 1040 (meter is replaced on 11.12.2019) and kVA MD in all four blocks as 0.0, 7.03, 6.65 and 2.09. The result post replacement of meter indicates that consumption for the period from 11.12.2019 to 13.01.2019 approximately 1 month 2 days is 1040 units. It implies that the consumption of 39921 units from the beginning till May 2019 appears to be high. The Respondent in its submission has recorded that the inspecting officer also found it to be on higher side considering the load sanctioned to it. Despite the old meter found in order during testing, one important aspect cannot be neglected that post replacement of meter, kVA MD recorded is 7+ kVA on the date of inspection.

9. The Forum, in its order has recorded that the Appellant tested its motor from the authorised dealer of the motor and found to be in order. The Forum also recorded that the testing report of the authorised dealer of motor has recorded current drawn by the motor as 30 Ampere which is roughly equivalent to 19 KW whereas the load sanctioned to the Appellant by the Respondent is 10 KW. Therefore, the motor's load is almost the double of the sanctioned load. The meter has also recorded consumption in all four blocks. Therefore, I do not find any infirmity either in testing report or the decision of the Forum. All records substantiate the fact that the Appellant has installed higher load than the sanctioned one. The meter has recorded consumption commensurate with the load. It is a different matter that the Respondent has not taken any action against the Appellant for violating the sanctioned load. I, therefore, do not find it necessary to revise the bill.

10. The Forum has rightly observed that the Respondent has gone beyond its authority in sanctioning the agricultural load under residential tariff. Since the purpose for which the power is used by the Appellant is agriculture as could be seen from the submissions of both the parties, I found it weird in rejecting the change of tariff category application of the Appellant. The

  
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Respondent in its submission has categorically said that it has sent the proposal to the higher authority for change of tariff category which was rejected. The Respondent vide its email dated 11.08.2020 submitted the copy of the application of the Appellant dated 28.01.2020 for change of tariff category from Residential to Agriculture. Therefore, its tariff needs to be changed from Residential to Agriculture from 28.01.2020.

11. In view of the above, I pass the following order. The Respondent is directed to:-

- (a) Revise the existing record with respect to sanctioned load of the Appellant after thorough testing of the motor on all parameters.
- (b) Since the Appellant was billed on Residential tariff category, fixed charges, if any, co-relating to the 20 HP load of the Appellant, if not levied, shall be billed and recovered.
- (c) To change the tariff category of the Appellant from Residential to Agriculture from the date of application i.e. 28.01.2020 provided the purpose still is agriculture.
- (d) The Respondent may grant suitable instalments for payment of the bill if the Appellant desires, no interest shall be levied. In the event of default on payment of instalment along with the current bill, DPC and interest shall be levied. The Appellant shall approach the Respondent within 15 days from the date of this order for grant of instalments if he intends to pay the arrears in instalments.


12. The Respondent to submit compliance of this order within two months from the date of issue.

13. The Forum's order is revised to the extent above.

14. The secretariat of this office is directed to adjust the amount of Rs.25000/- deposited by the Appellant, in its billing account in the ensuing bill.

15. The secretariat of this office is directed to send copy of this order to the Chairman and Managing Director of the Respondent for information.

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

  
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