

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 44 OF 2021

In the matter of excess billing

Shaikh Mushir Shaikh Gani..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Malegaon (MSEDCL).....Respondent

Appearances

Appellant : Mahmoodal Hasan Shabhir Ahmed, Representative

Respondent : 1. B. M. Kumavat, Executive Engineer (Adm.)
2. Sibaji Basu, Malegaon Power Supply Ltd., Distribution Franchisee

Coram: Deepak Lad


Date of hearing: 7th July 2021

Date of Order : 13th July 2021

ORDER

This Representation is filed on 3rd June 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 31st December 2020 passed by the Consumer Grievance Redressal Forum, Nashik Zone (the Forum).

2. The Forum, by its order dated 31.12.2020 has dismissed the grievance application in Case No.237 of 2019-20.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



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

- (i) The Appellant is an Industrial consumer (No. 066150053430) from 30.12.2015 having Sanctioned Load (SL) of 20 HP at Gat No. 72, Plot No. 3, Malghe, Malegaon.
- (ii) Initially, the Industrial connection was for power loom purpose. However, the Appellant was using the power for extrusion process of raw plastic.
- (iii) The Respondent issued bill of 9755 units for Rs.1,13,166/- with a Contract Demand (CD) penalty. The Appellant protested the same. The Respondent revised the bill for Rs. 91000/- however, the bill revision is not accepted by the Appellant. On the contrary, the Respondent disconnected the power supply without notice, and further bill revision.
- (iv) The Appellant complained to the Respondent on 25.09.2017 for revision of bill and request to disconnect the power supply temporarily. There was no proper response from the Respondent.
- (v) The Appellant approached the Internal Grievance Redressal Cell (IGRC) on 08.11.2020 which was registered on 20.11.2020. The IGRC, by its order dated 04.12.2020 has decided the case on limitation and rejected the grievance application. Thereafter, the Appellant approached the Forum on 18.12.2020 and the Forum, by its order dated 31.12.2020 has also dismissed the grievance application.
- (vi) The Appellant further was billed with average billing showing adjustment units in the month of June 2017 (3252 units) and April 2018 (1500 units). There is no use of power supply as the supply was temporary disconnected.
- (vii) The Appellant prays that the bill of March 2017, June 2017 and April 2018 be revised without any interest and delayed payment charges (DPC) and the final bill be issued for payment, and at the same time, the power supply be permanently disconnected.

4. The Respondent MSEDCL submitted that it has appointed Malegaon Power Supply Limited (MPSL) as the Distribution Franchisee for Malegaon area. It has taken over the area


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under its control from 01.03.2020. The subject matter of the Appellant is prior to taking over charge as Distribution Franchisee. Therefore, there is no specific elaborative submission of the Distribution Franchisee.

5. The Respondent MSEDCL filed its reply dated 29.06.2021 stating in brief as under: -
- (i) The Appellant is a LT Power loom consumer (No.066150053430) having Meter No.065-06593317 and billed under tariff 36 LT-V B II. Its SL is 20 HP.
 - (ii) The Appellant was billed for Rs.1,11,700/- of 9755 KWH units which includes PF penal charges (Rs.22161/-), excess demand charges (Rs.6375/-) and Demand Charges (Rs.4370/-) for the month of March 2017. This is as per the actual reading.
 - (iii) The Appellant's PF was 0.634 and MD was 32 KVA as per MRI data retrieved from the meter for the month of March 2017. The Appellant was billed accordingly. However, this bill was subsequently revised for Rs. 91000/- after receipt of complaint. The Appellant paid Rs.50000/- on 31.05.2017 towards part payment, however, the balance payment was not paid.
 - (iv) The Appellant was billed for 3252 units in the month of June 2017 and 1500 units for April 2018 on average basis. Barring these two months, the Appellant was billed on minimum basis from March 2017 onwards. However, the Appellant did not pay, nor did he allow to enter the premises for taking meter reading or removing the meter. Therefore, it was temporary disconnected from pole.
 - (v) The Appellant filed the complaint in IGRC on 20.11.2020 for rectification of electricity bills of the month March 2017 till June 2020 and requested for permanent disconnection.
 - (vi) The IGRC, by its order dated 04.12.2020 has decided the case on limitation and rejected the grievance application. Thereafter, the Appellant approached the Forum on 18.12.2020 and the Forum, by its order dated 31.12.2020 has dismissed the grievance application.
 - (vii) The Appellant's bill has been already revised and therefore nothing survives in the matter. The Appellant needs to pay the outstanding amount till the date of PD. Therefore, the Representation needs to be dismissed.


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6. The hearing was held on 07.07.2021 through video conferencing due to Covid-19 epidemic and the conditions arising out of it.

7. During the hearing, the Appellant argued that he has been exorbitantly billed with 9755 units for Rs.1,13,166/- in the month of March 2017 which includes PF penalty and demand charges penalty. However, when it was brought to the notice of the Respondent, it did revise the bill for Rs. 91000/- however, it was still not correct. Hence, it was not acceptable to him but still he paid Rs.50000/- on account. On the contrary, the Respondent disconnected the power supply without notice. Despite disconnection, the Appellant was billed with adjustment consumption of 3252 units in June 2017 and 1500 units in April 2018. This is not understood by the Appellant and needs to be withdrawn and findings of the Forum need to be set aside. The Appellant is ready to pay the bill if it is properly corrected and the connection be permanently disconnected.

8. The Respondent, on the contrary, argued that billing of the Appellant with 9755 units in March 2017 is correct as it is as per actual reading and cannot be withdrawn. Levy of penalty on PF and demand charges is as per the tariff order of the Maharashtra Electricity Regulatory Commission (the Commission). It is also true that post revision of bill, the Appellant paid Rs.50000/- on 31.05.2017. The Appellant was billed for 3252 units in the month of June 2017 and 1500 units for April 2018. Barring these two months, the Appellant was billed on minimum from March 2017 onwards till disconnection. It is also a fact that the Appellant did not allow entry into his premises for regular reading and subsequently PD. Therefore, the connection was disconnected in 2017. Billing on the random adjustment of units post disconnection could have been avoided.

9. In view of the arguments of the Respondent that the Appellant did not allow them entry for meter readings and disconnection, combined with the argument of the Appellant that he is ready to pay the bill and the connection be permanently disconnected, the undersigned directed both the parties to jointly take meter reading and the Respondent to remove the meter on the designated date and time.


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10. Pursuant to the directives of the undersigned, the Respondent removed the Genus make meter having Sr. No. 6593317 on 09.07.2021 in presence of the Appellant. The reading is also noted to be 26581 KWH. The report to that effect has also been drawn which is signed by the Appellant as well as the Respondent MSEDCL and MPSL, the Distribution Franchisee. Photographs of meter were also taken which shows the reading as 26581 KWH.

Analysis and Ruling

11. Heard the parties and perused the documents on record. After careful examination of the consumer personal ledger, I observed that last progressive reading for the month of March 2017 is shown as 23793 KWH and final reading when the meter is removed on 09.07.2021, is shown as 26581 KWH. It therefore follows that the Appellant needs to be billed for the period from April 2017 to 09.07.2021 which is the date of PD for (26581 – 23793) 2788 units consumption. While billing for 2788 units, units billed in between this period needs to be withdrawn. This withdrawal is with respect to billing of 3252 units for June 2017 and 1500 units for April 2018. The fixed charges shall continue to be charged till 09.07.2021. It is important to note that the Appellant was temporarily disconnected in June 2017 from pole as it did not allow entry to the Respondent for taking meter reading. Therefore, consumption of 2788 units is in fact, till the date of TD and not 09.07.2021.

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

- (a) The Appellant to be billed for 2788 units for the period from April 2017 to June 2017 by withdrawing adjustment of 3252 units in June 2017 and 1500 units in April 2018.
- (b) The fixed charges shall be billed as per applicable tariff order till the date of PD which is 09.07.2021.
- (c) This being a case of permanent disconnection, DPC and interest are waived of as there is factually no consumption after TD in June 2017.
- (d) Other prayers of the Appellant are rejected.

13. The Forum's order is modified to the extent above and the Representation is disposed of accordingly.


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Secretary
Electricity Ombudsman Mumbai



14. 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

