

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO 38 OF 2022

In the matter of billing

Shri Gulabchand Udhamchand Bhandari..... Appellant
(Through Dilip Bhandari)

V/s.

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

Appearances

Appellant : 1. Dilipkumar Bhandari
2. Satish Shah, Representative

Respondent : 1. Sanjay Tadvi, Executive Engineer, Manmad
2. Hemangini Maurya, Deputy Manager


Coram: Vandana Krishna (Retd I.A.S.)

Date of hearing : 25th May 2022

Date of Order : 10th June 2022

ORDER

This Representation is filed on 16th March 2022 under Regulation 19.22 (d) of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Preamble:

The Appellant had initially filed the grievance in Consumer Grievance Redressal Forum Nashik (the Forum) on 17.11.2021. However, the Forum not being operational due to vacancy of Chairperson and Independent Member, the grievances could not be heard for more than 60 days. The Appellant, therefore, filed this Representation under Regulation 19.22 (d) of CGRF & EO Regulations 2020.

2. The Appellant has filed this representation stating in brief as follows: -

- (i) The Appellant is a LT Commercial Consumer (No.077510000091) from 01.01.1961 for the purpose of jewellery shop at Saraf Bazar, Tal. Manmad, Dist. Nashik.
- (ii) The Appellant runs his business as well as residence at one place. The power supply is used for residential purpose, as the Jewellery Shop is totally closed since for more than 5 years.
- (iii) Hence the Appellant filed an online application No. 29242794 dated 13.02.2021 for change of Tariff Category from LT-II (A) : Commercial to LT-I (B) : Residential. The Test Report for installation was also uploaded on the portal of MSEDCL. Thereafter, the Appellant followed up with MSEDCL office vide his letter dated 12.03.2021, e-mail dated 23.03.2021, 24.03.2021, letter dated 22.04.2021 delivered on 01.06.2021 and e-mail dated 23.06.2021. However, the Respondent neither replied to his letters or e-mails nor any decision was taken for change of tariff category.
- (iv) The Appellant filed grievance application with Internal Complaint Redressal System (ICRS) on 20.08.2021 in physical form. The ICRS failed to give decision. Hence, the Appellant approached the Forum, on 14.11.2021. No decision has been received from the Forum even after 3 months' period is over. Hence, the Appellant approached the Electricity Ombudsman(Mumbai) for redressal of his grievance.
- (v) As per Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality Regulations, 2021 (Supply Code & SOP


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Regulations 2021) of the Maharashtra Electricity Regulatory Commission, the time period for change of tariff category is from the second billing cycle i.e., it should have been done from 1st March-2021. However, it is regretted to note that in spite of his repeated follow up, the Respondent has not changed the tariff category.

- (vi) The Appellant has been charged with commercial tariff category instead of residential tariff. The power is presently being used only for residential purpose.
- (vii) Further, as laid down in the Supply Code & SOP Regulations 2021, the Respondent is liable to pay compensation at Rs.100/- per week, max. Rs.500/-, to the Appellant due to failure to change tariff category from 2nd billing cycle.
- (viii) In view of the above, the Appellant prays that the Respondent be directed
 - (a) to change tariff category from Commercial to Residential from retrospective effect from 1st March-2021 and to pay the differential tariff amount.
 - (b) to pay the tariff difference between LT-II(A) to LT-I(B) of about Rs.900/- per month from 2nd billing cycle till implementation of tariff change by MSEDCL.
 - (c) to pay the interest charges as applicable under Section 62(6) of Electricity Act, 2003 on the above tariff difference.
 - (d) to compensate as per Supply Code & SOP Regulations 2021.
 - (e) to pay compensation of Rs.10,000/- towards mental agony, expenditure for follow up with MSEDCL, filing grievance application, attending offices of MSEDCL, attending hearings, man-hour cost, travelling expenses etc.

3. The Respondent filed its reply by letter dated 20.12.2022 stating in brief as under: -


- (i) The Appellant is a LT Commercial Consumer (No.077510000091) from 01.01.1961 at Saraf Bazar, Tal. Manmad, Dist. Nashik for the purpose of jewellery shop. Shri Dilip Kachardas Bhandari has filed this grievance as the


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



connection is in the name of his grandfather i.e., late Gulabchand Udhamchand Bhandari.

- (ii) The Respondent stated that the Appellant approached the Electricity Ombudsman (Mumbai) in the year 2019 for a billing dispute and purpose of use of power supply. The Hon'ble Electricity Ombudsman (Mumbai) by its order dated 24.02.2020 in Representation No.211 of 2019 (Case of Shri Gulabchand Udhamchand Bhandari V/s. MSEDCL) directed the Respondent to serve notice under Section 163 of the Electricity Act, 2003 to the Appellant to take the reading, and if the Appellant does not cooperate in taking the reading, appropriate police Complaint be filed against the Appellant. It was also directed that the Meter may be taken out of the premises for convenience of regular meter reading. The Appellant may apply for fresh Residential connection.
- (iii) The Appellant did not allow the agent of MSEDCL to take reading inside the premises most of the time by creating silly issues which resulted in the Appellant being billed on average basis. He did not apply for a new connection for residential purpose but started to take power from his commercial connection which was given for Jewellery Shop.
- (iv) The Appellant applied for change of tariff category through online Web portal of the Respondent on 13.02.2021 from commercial to residential. The same was confirmed by his letter dated 12.03.2021. The Respondent's Asst. Engineer (Section II) along with his staff personally visited the spot to check the use of the premises, however, the Appellant did not permit to enter the premises, and hence, it was not possible to confirm the purpose of power supply. The Respondent has limitation to tackle the Appellant further due to heavy work pressure.
- (v) The Appellant put on record various photographs of the premises, showing the closed shutters of the jewellery shop, the meters located outside of the neighbouring shops, etc. The Staff and the meter reading agency has given written complaints to the Authorities of Respondent against the whimsical behaviour of the Appellant, in not allowing entry and meter reading.



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (vi) The Respondent once again issued a notice to the Appellant on 07.04.2022 requesting to allow the shifting of the meter from inside his shop to outside, so that the meter will be accessible for the reading, to pay the outstanding bill and to allow spot inspection of the premises. However, he did not allow the same.
- (vii) There is a possibility of suspected irregularities in the meter. The Appellant makes propaganda of minor issues of name plate etc., to divert the main issue of the shifting of the meter.
- (viii) The Respondent is unable to enter the premises and to carry out inspection for taking a decision of change of tariff category as mentioned above.
- (ix) In the circumstances, the Respondent prays that the Appellant be directed to comply with the order of the Electricity Ombudsman dated 24.02.2020 at first, otherwise the Representation be rejected.

4. The e-hearing was held on 25.05.2022 through Video Conference. Both the parties argued in line with their written submissions. The Appellant argued that this is a separate new grievance and hence, order dated 24.02.2020 in Representation No.211 of 2019 has nothing to do with this grievance. The Appellant further argued that the premises are being used for residential purpose as the Jewellery shop is totally closed. There are no outstanding dues in bill, and statutory Test Report was also submitted. The Respondent is supposed to change the tariff category from Commercial to Residential in the second billing cycle from the date of application i.e., 13.02.2021. The Appellant argued that there is no proper Identity Card to recognise the Staff or agent of the Respondent. Hence, it is very difficult to give entry to unauthorized persons for visiting the premises on various occasions. In view of the above, the Appellant prays that the Respondent be directed for change of tariff category from the date of application.

5. The Respondent argued that the Appellant never allowed access to the meter for the meter readers to take the readings. These agents or meter readers are well known by everyone in the locality, and they regularly come to take readings every month. There is no problem in taking the readings of neighbouring shops. The Respondent stated that the Appellant


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



approached the Electricity Ombudsman (Mumbai) in the year 2019 for a billing dispute and purpose of use of power supply. The Hon'ble Electricity Ombudsman (Mumbai) by its order dated 24.02.2020 in Representation No.211 of 2019 has given directives for shifting the meter in an appropriate place. However, the Appellant did not allow to shift the meter. He is in arrears and a defaulter consumer. He did not allow to inspect the premises. Hence, the change of tariff category with retrospective effect is not done. In view of above, the Respondent prays that the Appellant be directed to comply with order of the Electricity Ombudsman dated 24.02.2020 at first, otherwise the Representation be rejected.

6. During the course of hearing, it was directed to carry out a Joint Inspection of the premises on 26.05.2022 for verification of use, to take the reading, as well as to explore shifting of meter at a suitable place outside for taking future readings. A notice was served on both the parties vide letter dated 03.06.2022 for shifting of meter in appropriate place.

Analysis and Ruling

7. Heard the parties and perused the documents on record. The premises had two electric connections, one being commercial (jewellery shop) and the other residential. Due to internal disputes of the family, residential connection was disconnected long back for non-payment of outstanding dues. Thereafter, the occupier continued to draw power from the existing commercial connection (Cons. No. No.07751000091) . This was possible due to interconnected configuration of shop as well as residence in one premises.


8. The Appellant filed representation on 28.11.2019 before the Electricity Ombudsman (Mumbai) with the following prayers:

“(a) The bill of February 2019 be revised as per Section 56 (2) of the Act without any interest and DPC. Suitable instalments be provided.

(b) Appropriate tariff be applied.

(c) The arrears of Shri Kachardas Bhandari be cancelled from the Appellant's account.

(d) To compensate for not issuing bills as per readings under SOP Regulations.”


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




After hearing and perusal of documents on record, the Electricity Ombudsman (Mumbai) by its order dated 24.02.2020 in Representation No.211 of 2019 directed as below:

- “(a) Respondent to serve notice under Section 163 of the Act to the Appellant to take the reading. If the readings thus become available, then each month bill be calculated on average basis dividing the total consumption by total months. Slab benefits for each month shall be given for each month during the entire period of accumulation.
- (b) If the Appellant does not cooperate in taking the reading, appropriate police Complaint be filed against the Appellant.
- (c) The Appellant is allowed to pay the amount due in six monthly instalments along with the current bill without DPC and interest.
- (d) Meter may be taken out of the premises for convenience of the meter reading.
- (e) The Appellant may apply for fresh Residential connection.”

As per these directions, the Appellant paid the outstanding dues of earlier residential connection only. However, the Appellant did not apply for a fresh Residential connection; instead, he has applied for change of purpose of the existing connection from commercial to residential. The Respondent also failed to discharge its duties for shifting of meter to an appropriate place for the convenience of taking meter readings and the Appellant did not allow the Respondent to enter the premises. No legal action was taken as per law. The compliance of this order was only partially done by both the parties. Hence, this has an interlink with the instant representation.

9. The Appellant has applied for a change of tariff category through online web portal on 13.02.2021. The Respondent did not do so due to noncompliance of the previous order of the Hon’ble Electricity Ombudsman. Hence, the Appellant approached the Hon’ble Electricity Ombudsman again on 16.03.2022 with his main prayer for change of tariff category from Commercial to Residential with retrospective effect from March 2021 for the existing commercial connection of the shop which is closed since the last many years.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



10. During the hearing of the instant Representation, it was directed to carry out a joint inspection of the premises on 26.05.2022 for verification of use, to take the reading, as well as to explore shifting of meter at a suitable place for taking future readings.

11. As per the direction, the Respondent carried out a spot inspection on 26.05.2022 and confirmed that the purpose of power supply is for Residential use only. Further, this office, by its letter dated 03.06.2022 directed both the parties to shift the meter to an appropriate place as per law. In accordance with the directive, the Respondent in coordination with the Appellant finally shifted the meter on 07.06.2022 and accordingly informed by letter to this office.


12. The Appellant, by his email dated 07.06.2022 has informed that the Appellant paid the processing fee of Rs.236/- and additional security deposit of Rs.2310/- for change in tariff category.

13. The compliance of the previous order of the Hon'ble Electricity Ombudsman dated 24.02.2020 regarding shifting of meter was done only on 07.06.2022. So far, the Appellant hesitated to cooperate with the Respondent which resulted in average billing most of the time. The Appellant unilaterally started to pay some tentative amount, assuming that the bill is of residential tariff category, from the date of application for change of tariff category. This resulted in the Appellant being in arrears. Hence, he does not deserve to be billed on residential tariff category with retrospective effect from the billing month of April 2021 as per his application for change in tariff category, as he himself is responsible for not following the directions as per law.

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

The Respondent is directed:

- a) to revise the bill by withdrawing interest and delayed payment charges from February 2021 onwards till the date of issue of this order.
- b) to change the tariff category from Commercial to Residential from the billing month of June 2022 onwards.
- c) The other prayers of the Appellant are rejected.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



d) Compliance be reported by the Respondent within two months from the date of issue of this order.

15. The instant Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (M)



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

