

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 45 OF 2022

In the matter of billing of temporary Connection

Ramchandra Dayashankar Pandey Appellant

V/s.

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

Appearances:

Appellant : Ramchandra Dayashankar Pandey

Respondent : 1. Rajesh S. Bhute, Executive Engineer (In charge), Virar
2. Ms. D. C. Rathod, Dy Executive Engineer
3. D.C. Manojkumar, Dy Manager (F & A)
4. Mukund Deshmukh, Addl. Executive Engineer, Virar(East) S/Dn.


Coram: Vandana Krishna (Retd. IAS)

Date of hearing : 4th May 2022

Date of Order : 23rd May 2022

ORDER

The Representation is filed on 4th April 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 3rd February 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL Vasai (the Forum).


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2. The Forum, by its Order dated 03.02.2022 has dismissed the grievance application in Case No. 78 of 2021.

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

- (i) The Appellant has taken temporary connection (Consumer No.001531712125) from the Respondent of 15 KW for Marriage Ceremony which was sanctioned on 04.02.2017 and released after payment of Statutory Charges on 05.02.2017.
- (ii) The supply of the Appellant was permanently disconnected on 06.02.2017. The Assistant Engineer of the Respondent did not mention any reading in the PD Report dated 31.07.2021. The Appellant was fictitiously billed up to October 2017 and not settled bill of temporary connection.
- (iii) The Appellant filed his grievance in the Forum on 20.08.2021. The Respondent in its reply dated 03.01.2022 has mentioned reading of 215 kWh which was not accepted by the Appellant. The Forum, by its Order dated 03.02.2022 has dismissed the grievance application. The Forum failed to understand the basic issue that only one day power supply was used through temporary connection and no reading was available on PD Report.
- (iv) The Appellant submitted following information of the temporary connection which is tabulated as below:

Sr.No.	Particulars	Appellant Information	Respondent Reply
1	Marriage Date	05.02.2017	Nil
2	Date of Sanctioned Estimate	04.02.2017	04.02.2017
3	Date of Supply	05.02.2017 at 19.00 hrs.	28.02.2017
4	PD Date	06.02.2017 at early morning	06.03.2017
5	Meter Reading	No Reading on PD Report	215 kWh afterthought



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- (v) The Appellant stated that the decoration was very limited though he has taken sanctioned load of 15 KW. The electricity was used maximum nine hours and that too hardly 70 or 80 units for one day.
- (vi) The Appellant received legal notice dated 16.07.2021 from Superintendent, Addl. District Court, Vasai on the letterhead of Vasai Taluka Legal Services Authority for arrears of Rs.25182.46 (basic arrears Rs.14972.35 + interest 25182) which was shocking.
- (vii) In view of the above, the Appellant prays that
- The bill be revised for assessed 80 units as per connected load and not as per Sanctioned load.
 - Rs. 5000/- compensation towards mental, physical, and cost for filing the grievance.

4. The Respondent has filed its reply dated 28.04.2022 which is stated in brief as under:-

- The Respondent denies all contentions raised in the above representation except those admitted herein below.
- The Appellant, Ramchandra D. Pandey is a Consumer (No.001531712125) of MSEDCL. The Appellant applied for temporary connection of 15 KW for Marriage Ceremony which was sanctioned vide Sanction No. Tech/ 00506 dated 04.02.2017 and released after payment of statutory charges. The applicable tariff was of LT-Temp-Others (Tariff duty 074-01).
- The date of supply was on 28.02.2017 as per CPL record. The supply of the Appellant was permanently disconnected on 06.03.2017 and final reading on the meter was 215 kWh as per report of Assistant Engineer, Phoolpada (II section). However, the Appellant was billed on average basis of 773 Units for Rs. 17,156.25 up to the month of October 2017 with Reading Not Taken (RNT) Status.
- The inflated bill of October 2017 for 773 units of Rs.17,156.25 was revised to Rs.4040/- as per consumption of 215 Units by waiving of DPC and interest. The Security Deposit of Rs.1890/- was adjusted against the said arrears and bill of


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Rs. 2150/- was issued to the Appellant. As such, the bill given to the consumer is as per actual consumption. Hence, the Appellant is liable to pay the same.


- (v) In view of above, the Respondent prays that the Representation of the Appellant be rejected.

5. The hearing was held on 04.05.2022 online through video conference. The Appellant and the Respondent argued in line with their written submissions. The Appellant argued that the supply was released on 05.02.2017 and permanently disconnected on 06.02.2017. The connection was in service for one day. The Appellant stated that the Appellant received recovery notice dated 16.08.2021 for Rs.25,182.46 which is not only illegal but shows the Respondent's bad functioning. The Appellant further argued that the Appellant consumed only about 80 units and not 215 units. Hence, the revised bill issued by the Respondent is not acceptable. In view of the above, the Appellant prays that the bill be revised for 80 units as per connected load and not as per sanctioned load, and award Rs.5000/- compensation towards mental, physical, and cost for filing the grievance.

6. The Respondent argued that the supply was released on 05.02.2017 and the supply was made PD on 06.02.2017. The data in the billing system was wrongly fed, i.e., supply date was entered as 28.02.2017 and PD Date was shown as 06.03.2017. However, the bill of Temporary Connection was subsequently revised, considering the actual date of supply (05.02.2017) and PD date (06.02.2017). The Respondent further stated that the abstract of PD Meter registered clearly shows that the reading on the meter was 215 kWh. There is no reason to alter the basic documents.

7. The Respondent further stated that the bill of the Appellant is revised by taking all due care. The earlier inflated bill was revised to Rs.4040/- as per consumption of 215 Units by waiving of DPC and interest. The security deposit of Rs.1890/- was adjusted against the said arrears and a net bill of Rs.2150/- was issued to the Appellant. The Appellant did not pay this bill till date. The Respondent stated that the tariff applicable to the Appellant was as per Tariff Order of Commission dated 12.09.2018 in Case No. 195 of 2017 effective from 01.09.2018. The relevant part of the said order is reproduced below:


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LT VII (B): LT - Temporary Supply - Others (TSO)

Applicability:

This tariff category is applicable for electricity used at Low/Medium voltage for Temporary use for a period not exceeding one year, other than for the religious or commemorative purposes covered under LT VII (A), for

- a) Construction of all types of structures/ infrastructures such as buildings, bridges, flyovers, dams, Power Stations, roads, Aerodromes, tunnels for laying of pipelines;
- b) Any construction or renovation activity in existing premises;
- c) Decorative lighting for exhibitions, circuses, film shootings, **marriages**, etc.,
- d) Any other activity not covered under LT VII (A).

<u>Rate Schedule</u>			
Consumption Slab (kWh)	Fixed/Demand Charge (Rs/connection/month)	Wheeling Charge (Rs/kWh)	Energy Charge (Rs/kWh)
LT VII (B) – All Units	449	1.28	12.79


Note:

- (a) Additional Fixed Charges of **Rs. 185 per 10 kW load or part thereof above 10 kW load** shall be payable..... **Emphasis added.**

The calculations are carried out as per the above Tariff Order. In view of above, the Respondent prays that the Representation of the Appellant be rejected.

Analysis and Ruling:

8. Heard the parties and perused the documents on record. The Appellant has taken temporary connection (Consumer No.001531712125) from the Respondent for 15 KW for Marriage Ceremony which was sanctioned, released, and permanently disconnected on 04.02.20217, 05.02.2017and 06.02.2017 respectively. There is no dispute that the temporary supply was given for only one day on the occasion of marriage ceremony. The Respondent has accordingly revised the bill for one day and for 215 units consumption as per PD Register Record.


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As per the Respondent, the bill was revised to Rs.4040/- as per consumption of 215 Units by waiving of DPC and interest. The Security Deposit of Rs.1890/- was adjusted against the said arrears and a net bill of Rs.2150/- was issued to the Appellant.

9. However, an issue to be examined is whether the instant Representation is time barred under the CGRF & EO Regulations 2006 or not?

The Regulation 6.6 of the CGRF & EO Regulations 2006 is reproduced as below:

“6. Procedure for Grievance Redressal

.....

6.6 The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”


The cause of action arose in the month of February 2017. The period of two years for raising the grievance before the Forum expires in February 2019 as per Regulation 6.6 of the CGRF & EO Regulations 2006. Even if it is considered that the cause of action arose in or around October 2017 when a higher bill was issued, the 2 years’ period still expires in October 2019.

In view of this, had the Appellant approached the Forum within this period, the grievance would have been decided on merit. However, he actually approached the Forum on 20.08.2021 which is beyond two years from the cause of action. Therefore, the representation does not stand scrutiny in the face of Regulations.

10. In view of the above, the Representation of the Appellant is rejected, and the Representation is disposed of accordingly.

11. The secretariat of this office is directed to refund the amount of Rs.1100/- paid by the Appellant to the Respondent.

Sd/
(Vandana Krishna)
Electricity Ombudsman (M)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

