

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 2 OF 2022

In the matter of excess billing

Hasina I. Bakkar Appellant

V/s.

The Tata Power Company Limited (TPCL)..... Respondent

Appearances:

Appellant : Wasif Bakkar, Representative

Respondent: Prashant Kumar, Regulatory Head


Coram: Deepak Lad

Date of hearing: 23rd February 2022

Date of Order : 3rd March 2022

ORDER

This Representation is filed on 3rd January 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order


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dated 6th November 2021 passed by the Consumer Grievance Redressal Forum, TPCL (the Forum).

2. The Forum, by its order dated 06.11.2021 has disposed the grievance application in Case No. CGRF/03/2021 with following directions:

“In view of the fact that Complainant is not satisfied with the Meter testing results of Tata Power Laboratory forum will permit the testing of that meter at NABL approved laboratory. In this regard Tata Power is directed to share the details of NABL accredited Laboratory to Complainant.

Based on Meter Testing results of NABL accredited laboratory, if the Meter is found defective Tata Power is directed to revise the bills as per the applicable regulations of billing for defective meters.


Similarly, if the Meter testing results of NABL accredited laboratory are found to be running within the permissible limits. It will be concluded that the monthly Bill is generated as per the consumption recorded by the meter. The complainant is then supposed to make the payment of the bills as raised by The Tata Power Co. Ltd. The payment of the bills shall be as per the clause 16.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2021 vide notification dated 25th February 2021.

Orders of the Forum are required to be complied within 7 days of the receipt by The Tata Power Co. Ltd. The complainant is required to comply with the Meter testing at NABL accredited Laboratory within 30 days, after receiving the details of NABL accredited laboratory from Tata Power, or after receipt of this order; whichever is later.

The grievance of the complainant will stand closed at this stage. Order of the Forum will be as per above, based on Meter test results of NABL accredited Laboratory.”

3. Aggrieved by the order dated 06.11.2021 of the Forum, the Appellant has filed this Representation stating which in brief as under: -


- (i) The Appellant is a residential consumer (No.900000613115) at Room No.502, Campus View, Geecee Apartments, Kalina, Vidyanagari Marg, Plot 313A, Santacruz (East), Mumbai.


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- (ii) The Appellant received very high bill from February 2020 to September 2020. The Appellant stated that she along with her family members were out of India i.e., in Muscat, and flat was totally closed during the lockdown period of Covid-19 Epidemic. The Appellant put on record the copies of Passport for the proof of their travel to Muscat. The high billing clearly indicates that the meter of the Appellant is recording abnormal readings without any use. The meter was to be declared as faulty.
- (iii) The Appellant had registered a complaint with Respondent for meter checking and withdrawal of high billing for the said period being meter was faulty. The Appellant was not satisfied with the Respondent for its explanation given for high billing. The Appellant by her letter dated 28.10.2020 requested the Respondent for testing of meter. The Respondent failed to declare the meter faulty.
- (iv) The Appellant was not satisfied by the conclusion of onsite meter testing, and laboratory meter testing.
- (v) The Appellant filed a complaint by email dated 19.04.2021 to the Internal Grievance Redressal Cell (IGRC) for revision of high bill. However, the IGRC did not resolve the grievance properly.
- (vi) The Appellant approached the Forum on 09.09.2021. The Forum, by its order dated 06.11.2021 has disposed the grievance without any relief to the Appellant.
- (vii) The Appellant had taken daily meter readings from 10.12.2021 to 02.01.2022 of the new meter installed in place of defective meter. It was observed that the meter consumed only 315.48 units per month.
- (viii) The Appellant prays that the bill be revised as the flat was closed and the meter be declared defective.

4. The Respondent, by its letter dated 27.01.2022, has submitted its reply which is stated in brief as below: -


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- (i) The Appellant is a residential consumer (No.900000613115) at Room No. 502, Campus View, Geecee Apartments, Kalina, Vidyanagari Marg, Plot 313A, Santacruz((East), Mumbai.
- (ii) The Appellant has filed the instant Representation challenging the order of the Forum about high bill to the Appellant for the period from February 2020 to September 2020 during the lockdown of Covid-19 Epidemic. The Appellant claimed that the premises of the Appellant was closed and was in non-use as she with her family members were out of India i.e., in Muscat.
- (iii) The meter reading activity was restricted during lockdown period as per Practice Direction of Regulatory Authority. In absence of meter reading, in interim for three billing cycles i.e. March 2020, April 2020 and May 2020, bills were generated on estimated consumption which was based on actual consumption for the month of February 2020.
- (iv) The Respondent started meter readings in Non-Containment Areas after relaxation of lockdown. Accordingly, the meter reading of the Appellant was taken physically as 15628 kWh on 26.06.2020. The bill for June 2020 was made factoring the estimated consumption billed in March 2020, April 2020, and May 2020 wherein the total consumption was divided into 4 months on the basis of number of days and only the difference amount was billed.
- (v) The methodology used for billing for four months i.e. March 2020 to June 2020 is explained once again as below:
- The difference between the last actual closing meter reading (12708 - Feb'20) and current reading (15628 - June 2020) was calculated.
 - This is cumulative consumption of 4 months (March 2020, April 2020, May 2020 & June 2020).
 - Total consumption was evenly distributed in to 4 months depending upon the number of days in each month.


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- The estimated consumption already billed was adjusted and only the difference units were billed month wise to ensure the benefits of slab-based tariff.
 - Also, payments made towards the estimated bills already adjusted while generating the June 2020 bill.
- (vi) This fact was explained to the Appellant at the Consumer Relation Centre (CRC) on the date when the Appellant visited the CRC.
- (vii) The Appellant was not satisfied with the resolution towards her complaint of high billing, and on the very day i.e. on 28.10.2020 requested for having the meter tested on site.
- (viii) The Appellant registered a complaint with the Respondent for meter checking and high billing. 3 phase meter of Secure Make, having Sr. No. STO 77030, was installed to the Appellant. The Respondent carried out onsite meter testing on 14.12.2020 in presence of the Appellant. The Test Result of the meter was found in order. The same was explained to the Appellant, but she was not satisfied and still believed that her meter was faulty.
- (ix) Thus, upon the same request, on 20.12.2020, the meter was tested onsite in presence of the Appellant, and the same was found to be within permissible accuracy norms. As a proactive measure, while visiting the site for meter testing, the team also checks for any cross connection. The meter testing team didn't observe any cross connection in the wiring.
- (x) Thereafter, on 29.12.2020, the Appellant, once again visited Khar CRC and stated that he would not pay the bills without proper resolution. Accordingly, a complaint was registered to have the meter data downloaded and analysed.
- (xi) In regard to the above request, on 11.01.2021, the technical team of the Respondent downloaded the meter data and analysed the same at office and found no abnormal tamper events in the meter data. No mismatch was observed in phase and neutral current.


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- (xii) On 14.01.2021, the Appellant visited Khar CRC to register a request to have the meter tested in the laboratory. Accordingly, a request was raised (Ref. No.5005301969).
- (xiii) On her repeated complaint, the Respondent replaced her existing meter with new meter. The meter was tested on 17.03.2021 in Testing Laboratory of the Respondent at Dharavi Receiving Station in presence of the Appellant. The test result of the meter was found in order. However, the Appellant was not satisfied and still doubted the meter accuracy.
- (xiv) The Appellant was not satisfied by the outcome of onsite and laboratory meter testing and raised a complaint by way of email dated 19.04.2021, addressed to the IGRC highlighting the issue and seeking resolution at the earliest.
- (xv) The Respondent vide emails dated 28.04.2021 and 15.05.2021 intimated to the Appellant that the billing was accurate and the meter was within permissible norms as per tests conducted upon the request of the Appellant. Furthermore, the billing methodology adopted during lockdown was once again explained to the Appellant in detail. All checks related to meter testing indicated good health of the meter. Hence, there would not be any amendment in the bill amount / charges levied as bills raised are in order and charges levied are payable.
- (xvi) It was also clarified to the Appellant that anything beyond point of supply i.e. from the outcome of the meter, any consumption carried out by Appellant or any third party is not in the jurisdiction of Distribution Licensee like Tata Power and Appellant, himself is required to protect its interest. The Appellant was also informed that the consumption depends on various factors in terms of equipment's/ appliances in use, their usage duration, vintage & its healthiness etc.
- (xvii) From the facts as brought out hereinabove, it is clear that the Appellant could have complied with the direction of the Forum and based on the result of meter testing through NABL Laboratory within the timeline and approached the answering Respondent in case of any error observed during the testing of meters. The


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answering Respondent has taken all the steps to provide the resolution to the Appellant under available regulatory framework.

- (xviii) Thus, on basis of above analysis and investigation, the Respondent is of the view that the meter installed at the Appellant premises is within accuracy norms and the units captured in the meter is as per the consumption made by the Appellant. For Respondent, the units captured by the meter are units used by Appellant as the meter is found ok in accuracy and thus the Appellant is liable to clear all the outstanding dues.
- (xix) It is humbly submitted that the Forum has rightly concluded the matter and there is no infirmity in the order of The Forum.
- (xx) In view of the above made submissions, the Respondent prays that the instant Representation be dismissed.

5. The hearing was held on 23.02.2022 on e-platform through video conferencing due to Covid-19 Epidemic. Both the parties argued in line with their written submissions. The Appellant argued that it is not understood how such a huge energy consumption is shown to have been consumed by meter, particularly, when they were out of India. The Appellant further argued that it has 0.75 ton air conditioner and not 2 tons. Her energy consumption in the range of 400 to 500 units. It therefore suspects the energy meter to be the main culprit.

6. The Respondent on the other hand argued that it has tested the meter twice, once at site on 14.12.2020 in presence of the Appellant. However, the Appellant was not happy with the testing. Therefore, the meter was again tested in the testing laboratory of the Respondent on 17.03.2021 in presence of the Appellant. In both the tests, the meter was found in order. Therefore, there is nothing that could be done as the Appellant has been billed on the strength of energy recorded in the meter. The Respondent also stated that it has sent the Appellant the quotation of one of the NABL laboratory as it has preserved the impugned meter which can be sent for testing if the Appellant so desires in pursuance to the Forum's order.


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Analysis and Ruling

7. Heard both the parties and perused the documents on record. I failed to understand why the Appellant approached this Authority as the order of the Forum is crystal clear. Nevertheless, when this issue of NABL testing was again discussed during the hearing, it was finally agreed by the Representative of the Appellant that he is ready to test the meter in NABL. However, it was requested that the Respondent may also send the Appellant two additional quotations from two other NABL laboratories which was agreed to by the Respondent.

8. I have no other option than to repeat the order of the Forum with some modifications.

9. In view of the above, I direct as below:


(a) The Respondent is directed to send two quotations from two other NABL laboratories to the Appellant within a week's time.

(b) The Appellant is directed to take call and inform the Respondent about her choice of NABL laboratory within five days, with her written consent to debit the fee of the testing laboratory in her ensuing bill or she will have option to pay it to the Respondent.

(c) In the event, the meter is declared faulty by the NABL to which the meter has been sent for testing by the Respondent, the amount of fee deposited by the Appellant with the Respondent shall be adjusted by way of credit in her ensuing bill otherwise there would not be a question of any such adjustment if the meter is declared healthy or in order.

(d) In the event, if the meter is declared faulty, the Respondent will revise the bill accordingly in line with the testing report.

10. The Representation is disposed of accordingly as the entire issue moves around the correctness of the meter, and there is no propriety in keeping the Representation pending.


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11. The secretariat of this office is directed to refund the amount of deposit of Rs.25000/- paid by the Appellant by way of adjustment in her ensuing bill.

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



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