

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 89 OF 2022

In the matter of excess billing

SRK Real Height Ltd..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. PalgharRespondent
(MSEDCL)

Appearances:

Appellant : 1. Raju Chopra, Director
2. Ramchandra Pandey, Representative

Respondent : 1. Pratap H. Machiye, Executive Engineer, Palghar Dn.
2. Sanjay P. Kolhe, Deputy Executive Engineer, Palghar S/Dn

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 22nd July 2022

Date of Order: 30th October 2022

ORDER

This Representation was filed on 24th May 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 28th March 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Vasai (the Forum).

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Electricity Ombudsman Mumbai



2. The Forum, by its order dated 28.03.2022 has dismissed the grievance application in Case No. 34 of 2021.

3. The Appellant has filed this representation against the order of the Forum. The e-hearing was held on 22.07.2022 through Video Conference. Both parties were heard. The Appellant's written submission and arguments in brief is as below:

- (i) The Appellant is a residential consumer (No.003101551473) from 01.06.2019 having sanctioned load of 5 KW for common purpose like lift, staircase, and water pump at Building Complex of SRK Real Heights Pvt. Ltd., Namo Shivastu City, Palghar (East). The Respondent installed a Meter No. 5314451997 for the said electric connection for one wing of a building in the residential complex.
- (ii) The Appellant put on record that the Respondent sanctioned and released one more electric connection in the name of SRK Real Heights Pvt. Ltd. for 5 KW load (Consumer No. 003101551481) and installed a separate Meter No. 7603745501 on 01.06. 2019. This was also for common purpose of lift, staircase, and water pump for another wing of a building in the same complex. Both the electric connections have the same load of 5 KW for the same purpose, and almost for same working hours.
- (iii) The Appellant received an abnormal bill of Rs. 7, 76,720/- for 44242(44249-7) units in Feb. 2020 due to jumping kWh reading. The specific month of jumping of meter reading is not clear as consumption is for 3 months as per bill of Feb. 2020.
- (iv) The Appellant clarified that though the connected load for both common meters of two wings are installed for common purpose for lift, staircase, and water pump for the same complex., but the consumed units shown for both the meters are tremendously different. The disputed meter recorded 44249 units and the second meter recorded 6014 units. There is a difference of 38235 units on equal load, purpose, and manner of use since 01.06.2019 to 22.02.2020. The above consumption was highly impossible in that particular period. No explanation was provided by the Respondent. This clearly indicates that the disputed meter is


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abnormal in working. The meter definitely has a technical error, and only a technical person, or company can rectify the reason for abnormal recording of 44242 Units, which the Respondent ought to do.

(v) The consumption of both the meters are tabulated as below:

Wing	Consumer No.	Meter No.	Reading in kWh for the period 01.06.2019 to 22.02.2020	Total Consumption (units)	Remarks
1	3101551473	5314451997	44249	44248	Actual Reading was 000007 on 19.11.2019, hence consumption was 44242(44249-7) units
2	3101551481	7603745501	6014	6013	

- (vi) The Appellant was regular and prompt in payment of electricity bills till the month of Jan.2020.
- (vii) The Respondent issued a recovery notice in Feb. 2020. However, the supply was not disconnected due to Covid 19 pandemic from March 2020. Subsequently, after the lockdown was lifted, in November 2020, the Respondent threatened to disconnect the power supply, hence the Appellant paid Rs.1,00,000/- on 20.11.2020 under protest to avoid disconnection.
- (viii) The Appellant filed grievance application with the Forum on 22.02.2021. The Forum, by its order dated 28.03.2022 has dismissed the grievance application. The Forum failed to understand the basic issue.
- (ix) The reading of the disputed meter (No. 5314451997) was 000007 on 19.11.2019 as per the CPL of the consumer. The MRI data of the disputed period from 19.11.2019 to 22.02.2020 should be retrieved from the meter and verified for the purpose of reading. The meter is a digital meter which is integrated by various microchips and circuits just like computer & mobile devices. The said meter might have jumped at some point due to voltage spike, and then the meter might have come back to working normally.
- (x) The Appellant has paid a huge amount of Rs.6,50,000/- out of the current outstanding amount of Rs.10,31,060/- to restore supply under threat of disconnection.


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 Electricity Ombudsman Mumbai




(xi) The Appellant paid Meter Testing Charges of Rs.1038/- along with Reconnection Charges of Rs.590/- under protest which should be refunded.

(xii) Nature of Relief Sought:

1. The disputed meter should be sent to the manufacturer for load analysis as per MRI data of consumption of 44242 units from 19.11.2019 to 22.02.2020.
2. The supplementary bill be revised as per Commercial Circular No. 133 of 2011 as per connected load and use of electric gadgets and data from MRI report of specific disputed period.
3. If MRI data is not available due to circumstances, then the bill should be revised on the basis of the new meter's consumption pattern.
4. Refund of excess amount be done with interest after bill revision, no adjustment in ensuing bill as it was paid by the Appellant, and now it is handed over to the Society of flat Owners.
5. The Meter Testing Charges of Rs.1038/- along with Reconnection Charges of Rs.590/- should be refunded.

4. The Respondent filed its written reply dated 30.06.2022. Its written submission along with its arguments on 21.07.2022 in brief is stated as below: -


- (i) The Appellant is a residential consumer (No. 003101551473) from 01.06.2019 having sanctioned load of 5 KW for common purpose like lift, staircase, water pump and common lighting at SRK Real Heights Pvt. Ltd., Namo Shivastu City, Palghar (East). The Respondent installed a Meter No. 5314451997 of L& T make for the said electric connection for one wing of a building in the said residential complex.
- (ii) The Respondent visited the premises of the Appellant on 22.02.2020 as a part of routine inspection. During inspection, it was observed that the reading of the meter No.5314451997 was 44249 kWh, and the consumer was underbilled on average basis during the period of 01.06.2019 to 22.02.2020. The Respondent


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Secretary
Electricity Ombudsman Mumbai



issued a supplementary bill of Rs.7,67,120/- for 44242 units. The said meter of the Appellant was tested and found in order. The MRI data of the meter was downloaded and analysed in which no suspicious events were noticed.

- (iii) The Appellant denied the consumption recorded on the said meter. The Appellant was advised by the Respondent to witness the testing of the meter in the meter testing laboratory; however, the Appellant was not ready for it.
- (iv) The consumption of electricity is measured in the form of units which is recorded on the energy meter. Hence the units recorded on the meter are consumed by the Appellant for the period from 01.06.2019 to 22.02.2020.
- (v) As per the request of the Appellant, the MRI of the Meter No. 05314451997 was verified, and it was observed that the current and voltage parameters are found normal without any abnormality.
- (vi) The Appellant is comparing the consumption of two meters (No. 05314451997 and No. 07603745501) which are provided in 2 different wings in the same complex, for common use in the buildings. Though these meters are installed in the premises of the Appellant who is a developer, the consumption of these two different meters in two different wings differ. This clearly indicates that both the meters have used different loads for different periods.
- (vii) The Respondent argued that the said meter is of L & T make which is a reputed manufacturer. Such meters undergo various Type Tests as per Indian Standards of Specification (ISS) at the Manufacturer's level like spike, breaking current, high voltage, etc.
- (viii) The Respondent argued that the Appellant might have used this meter for various construction related activities, and the meter has accurately recorded the consumption. In the instant case, the Appellant's meter was not physically read from the date of installation of 01.06.2019, however, the meter reader has wrongly entered the "Normal Status" of the meter with a reading of 000007 kWh on 19.11.2019. The meter was actually read on 22.02.2020 for the first time.



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- (ix) The Appellant approached the Forum on 22.02.2021. Meanwhile, the Appellant vide its letter dated 10.02.2022 requested the Respondent to install a check meter. As per Appellant`s request, a check meter was installed on 19.02.2022 as per Regulation 15.2.5 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 which is reproduced as below:

“15.2.5. Distribution Licensee or a Consumer may install a check meter conforming to the technical specifications as laid down in the Central Electricity Authority (Installation & Operation of Meters) Regulations, 2006 as amended from time to time. This check meter shall be installed at the cost of the entity proposing such an installation. This check meter may be calibrated by the Distribution Licensee upon payment of prescribed fee as per the relevant Schedule of Charges as determined by the Commission from time to time. In both the cases, the Distribution Licensee shall be responsible for application of seals to the meters and monitoring the same: “

- (x) The Respondent stated the supply of the Appellant was permanently disconnected on 21.11.2021. However, as per direction of the Forum, a check meter No.43051210 of 10-40A of HPL Make was installed with the said L & T Make meter (No.14451997) to confirm accuracy. It was observed that there was a consumption of 25 units in the readings recorded by both the meters for the period of 1 week from 19.02.2022 to 26.02.2022. This means that the main L&T Make meter was working satisfactorily. After fulfilling direction, the meter of the Appellant was removed from the premises as meter was already permanently disconnected.
- (xi) The Forum, by its order dated 28.03.2022 has rightly dismissed the grievance application.
- (xii) Appellant`s complaint is for the past consumed units recorded on energy meter. The Appellant is not ready to test the meter as the Appellant has used this


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Secretary
Electricity Ombudsman Mumbai



supply for various activities on site. The units consumed during the said period on this energy meter is correct and the Appellant is requested to pay the energy bill as per the reading.


- (xiii) In view of the above, the Respondent requested to reject the instant Representation.

5. The Appellant vide its letter dated 21.07.2022 has submitted Rejoinder on reply of the Respondent dated 30.06.2022. The important points are as below:

- The meter was read on 19.11.2019 with reading 000007 kWh and read on 22.02.2020 with reading 44249 kWh. This is the main dispute.
- MRI data for the period from 19.11.2019 to 22.02.2020 is not given by the Respondent to confirm the suspicion of jumping of meter reading.
- The Appellant was ready to pay testing charges in **National Accreditation Board for Testing and Calibration Laboratories (NABL)**; however, no assurance was given for the checking of jumping reading.
- It is wrong to say that the Appellant was not ready to test the meter. The Appellant has requested for testing of meter with the manufacturer.

Analysis and Ruling

6. Heard the parties and perused the documents on record. The Appellant is a residential consumer (No. 003101551473) from 01.06.2019 having sanctioned load of 5 KW for common purpose like lift, staircase, common lighting, and water pump at the residential complex. The Meter No. 5314451997 of L&T make was installed on 01.06.2019 for one of the wings in the said complex. The connected load was mainly of 40 tube-lights, 20 CFL, 3 HP water pump and lift motor as shown in the Forum's order. It is the case of the Appellant that the Respondent issued a bill of Rs. 7,76,720/- with reading of 44242 (44249-7) units in Feb. 2020. The Appellant was billed with "RNT", "RNA", and "Normal" Status from July 2019 to January 2020, which was not based on actual meter readings. After checking the meter on 22.02.2020,



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Secretary
Electricity Ombudsman Mumbai



the Appellant was actually billed as per reading on the meters. The Appellant contended that this was due to misbehaviour of the meter and jumping of reading happened due to abnormal surge, fault, or breakdown. The specific month of jumping of meter reading is not clear.

7. The Appellant pointed out that there is another meter (No. 7603745501, Consumer No. 003101551481) which is installed in the same complex for another wing for the same purpose, i.e., for lift, staircase, common lighting, and water pump. However, the consumed units for both the meters are tremendously different. The disputed meter recorded 44249 units while the second meter recorded only 6014 units. Hence, there is a difference of 38235 units for similar load, purpose, and period of 01.06.2019 to 22.02.2020. The above consumption of 44249 units was highly impossible in that particular period. This indicates that the disputed meter is abnormal in working. The meter has a technical error, and the manufacturer's company should identify the reason for abnormal recording.

8. The Respondent contended that the disputed meter was working properly. The Appellant / Developer might have used the said connection for various activities on site. The disputed meter (L & T) was installed in series with a check meter (HPL), and it was found that both the meters have recorded the same consumption. This shows that the meter was accurate and working satisfactorily. The result of both the meters are tabulated below:


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Particulars	Existing Meter Details	Check Meter Details
Make	L&T	HPL
Sr.No.	14451997	43051210
Capacity	LT 3 Phase, 10-40 Amp. Capacity	LT 3 Phase, 10-40 Amp. Capacity
Initial Reading on 19.02.2022	063448 kWh	000047 kWh
Check Reading on 26.02.2022 when the check meter was removed.	063473 kWh	000072 kWh
Consumption	25 kWh	25 kWh
Remarks	The meter of consumer is working satisfactorily	

9. During the hearing, the Respondent was directed to send the meter to the manufacturer. Accordingly, the Respondent sent the meter for testing to the manufacturer, M/s. L & T Electrical & Automating on 26.08.2022. As per email dated 22.10.2022, the Manufacturer has sent the Test Report of the meter and conveyed that the meter is found in order.

10. From the reports of the check meter, the manufacturer's report, and records available, it can be safely inferred that the meter is working satisfactorily, and its readings are correct. The Forum in its order has analyzed the case rightly. However, the Forum's order is modified to the extent as below considering various aspect in the case.

In view of the above,

- a) The Respondent is directed to issue a revised bill by waiving the interest and DPC of the accumulated bill from March 2020 to 21.11.2020, i.e., the date of PD. The Appellant is permitted to pay the revised bill in 5 instalments.


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai




- b) The Appellant to pay the first installment of the revised bill immediately. After payment of the 1st installment, the Appellant to pay statutory Service Connection Charges along with reconnection charges.
- c) Thereafter, the Respondent is directed to reconnect the supply of the premises.
- d) The Appellant to pay the remaining bill within four monthly instalments. If the Appellant fails to pay any instalment, the Respondent can charge interest and DPC and also act as per rules.
- e) Compliance to be submitted within two months from the date of issue of this order.
- f) Other prayers of the Appellant are rejected.

11. The representation of the Appellant is disposed of accordingly.

12. The secretariat of this office is directed to refund Rs.25000/- to the Respondent for adjusting in its account.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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