

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION 221 OF 2019

In the matter of billing

Suresh G. Goplani..... Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Ulhasnagar I (MSEDCL) Respondent

Appearances

For Appellant : Absent


For Respondent : 1. J. L.Borkar, Addl. Executive Engineer, Ulhasnagar I
2. K. N.Jaykar, Deputy Manager

Coram: Deepak Lad

Date of Order: 6th May 2020

ORDER

This Representation is filed on 19th December 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 4th November 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).



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Secretary
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2. The Forum, by its Order dated 04.11.2019 has dismissed the grievance application in Case No. 1931 of 2019-20.

3. Not satisfied with the order of the Forum, the Appellant has filed this representation stating in brief as below: -

- (i) The Appellant is a L.T. residential consumer (No.021510704727) from 30.11.1995 at Kushal Apartment, U No. 416-421, Flat No. 102, Ulhasnagar I.
- (ii) The Appellant was billed for Rs.6002.22 of 604 units in August 2018. This was excessive bill. The Appellant made complaint of high bill on 03.09.2018 for fast running of the meter and requested to test the meter. As per direction of the Repondent, the Appellant paid the testing cherges on 04.09.2018.
- (iii) The Respondent's Assistant Engineer has tested the meter by Accucheck on 11.09.2018 in presence of the Appellant. The meter (No.13979933) was found 100% fast. Accordingly, the Repondent has rightly revised the excess bill of August 2018 and September 2018 with average of 262 units per month and credit of Rs. 8320/- was given in bill of October 2018. The grievance was resolved.
- (iv) The Respondent has replaced the said defective meter (No.13979933) by new meter (No.85456816) on 08.02.2019.
- (v) The meter was defective. The Respondent has to assess the bill as per the provision of Regulation 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 (Supply Code Regulations) which provides that in case the meter has recorded abnormal, the consumer will be billed for maximum period of three months based on metered consumption for twelve months preceding three months.
- (vi) The Respondent threatened verbally that the Appellant should not demand bill revision as per Regulation 15.4.1 or otherwise it would be debited in the bill of the Appellant.
- (vii) The Respondent debited Rs.8320/- in the bill of May 2019 without any intimation considering the meter was in order.
- (viii) The Appellant filed grievance application in Internal Grievance Redressal Cell (IGRC) on 30.05.2019. The Appellant approached the Forum on 08.08.2019. The


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Forum, by its Order dated 04.11.2019 has dismissed the grievance. The Forum failed to understand basic issue that the meter was 100% fast in Accucheck and failed to understand the meter was not replaced as per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation, Regulations, 2014 (SOP Regulations)

- (ix) The Appellant prays that the Respondent be directed
- (a) to withdraw Rs. 8320/- which was debited in May 2019 bill with interest and delayed payment charges (DPC).
 - (b) to compensate as per the SOP Regulations towards not replacing meter in time.
 - (c) to compensate Rs.30,000/- towards mental and physical harrasment and cost of application.

4. The Respondent MSEDCL filed its reply by its letter dated 03.01.2020 stating in brief as below: -

- (i) The Appellant is a L.T. residential consumer (No.021510704727) from 30.11.1995 at Kushal Apartment, U No. 416-421, Flat No. 102, Ulhasnagar I.
- (ii) The Appellant was billed as per actual consumption of 604 units in the month of August 2018.
- (iii) The Appellant made application for testing of the meter on 03.09.2019.As per demand notice, the Appellant paid testing charges on 04.09.2018.The Respondent's Asst. Engineer checked the meter by accucheck on 11.09.2018. Meter was found 100% fast. The Repondent has revised the excess bill of August 2018 and September 2018 by considering the average of 262 units per month and credit of Rs.8,320/- was given to the Appellant in bill of October 2018.
- (iv) There was shortage of meters at meter store and hence it was not possible to replace the said meter immediately for the purpose of testing in the the Testing Laboratory. After receipt of the meters, the Respondent has replaced the said defective meter (No. 13979933) by new meter (No. 85456816) on 08.02.2019 and sent to testing laboratory for testing.


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- (v) The meter (No. 13979933) was tested on 13.02.2019 in Testing Laboratory. The meter testing results of the meter found within permissible limit of accuracy.
- (vi) In view of the above, the Respondent debited Rs.8320/- in the bill of May 2019 and nullified the credit given of Rs.8320/- in bill of October 2018.
- (vii) The meter was tested as per Regulation 14.4 of the Supply Code Regulations. The Appellant is billed as per actual reading of the meter.
- (viii) The Respondent prays that the representation of the Appellant be rejected.


5. During the hearing on 21.01.2020, the Appellant was not present. The Appellant by its email dated 21.01.2020 has intimated that the representation be decided on merit. The Respondent argued that the Accucheck results should not be considered in this case as this result did not specify details of parameters of testing currents and voltages and simply specifying the meter was found 100% fast. However, the testing of the meter was done in Testing Laboratory as per provision of Regulation 14.4.2 as the Appellant paid testing charges. The Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

6. Heard the parties. I perused the documents on record. The Appellant was billed as per actual meter reading. The highest consumption recorded was 374 units in the month of June 2018 (1.03 months). The consumption of 604 units was found in August 2018 for 1.2 months in August 2018 and 598 units found in September 2018 for 1.03 months. While perusing the spot inspection report dated 11.09.2019 of Asst. Engineer, it was surprised to note that at respective points of the Accucheck testing, following remarks were found recorded:

13. Accucheck results : 100% fast
14. Load Test : blank and line of cancellation
15. Torque Test with 2 KW load : blank
16. Irregularities observed : As per accucheck report, meter is 100% fast. But of month August may be calculated as per avg. consumption of 262 Units.

This indicates that the Respondent acted in most casual way and it appears to have completed the formalities of Accucheck testing for name sake. Had the Respondent acted responsibly, it would not have faced a very embarrassing situation of having two totally opposite results of testing.


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7. The Forum in its order dated 04.11.2019 has observed as below:-


.....
“The Respondent utility believes and relies on laboratory meter testing report received later on in which meter is found ok and action was taken to withdrawn the benefit which was already given under B-80. The monitory benefit was withdrawn therefore the said action again gave fresh cause of action to the consumer to file the present dispute. The action which was taken by utility at earlier event, the consumer was not given proper opportunity to raise the dispute properly. In our opinion, the consumer has paid the testing charges & got the meter tested at laboratory meter testing bench, where meter is tested with all the testing parameters as per prescribed conditions. The meter testing in laboratory is mandatory as per regulation 14.4.2 of supply code regulation 2005. Which is reproduced here for sake of brevity:

14.4 Testing and Maintenance of Meter:

14.4.2 The consumer may, upon payment of such testing charges as may be approved by the Commission under Regulation 18, request the Distribution Licensee to test the accuracy of the meter: Provided that the consumer may require the Distribution Licensee to get the meter tested at such facility as may be approved by the Commission.

As per this regulation we cannot rely on accucheck testing report, because there are always chances of human error during the accucheck testing, which is done at site & without maintaining reference parameters required accurate testing of meter. In case if there is doubt on meter, final testing is always done in laboratory only. In this case section officer given accucheck meter report as 100 % fast and bill for the month of Aug & Sep'2019 have been corrected as per average consumption of '262' units. Here the officer has not given any calculation, how he calculated the consumption '262' units Distribution Licensee revised the bill as per this report but later on during lab testing it is found that meter Ok, hence rightly withdrawn the benefit earlier passed to the consumer, because meter testing in laboratory is more authentic than accucheck report. In previous order in case no. 1825 of 2018-19 of the same consumer the forum has rightly rejected the grievance stating that, the meter is found Ok in testing. On examination of CPL there appears similar units both before and after replacement of meter. Load attached also can be seen. We do not find any merit in the grievance. I would also like to mention here that consumption of consumer in month of Sept-2019 is '499' units, which clearly show that consumer is using higher units during some months of the year.”

8. After perusing the CPL, it is noticed that the Appellant has reached a maximum consumption of 499 units in September 2019 whereas its consumption is in the range of 250 to 375 units during April 2018 to July 2018 and 400 units in October 2018. The consumption of the Appellant in the disputed month of August and September 2018 is 604 and 598 units.


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Month	Consumption	Month	Consumption
April 2018	254	Jan 2019	219
May 2018	228	Feb 2019	230 (meter changed on 08.02.2019)
June 2018	374	March 2019	233
July 2018	252	April 2019	324
August 2018	604	May 2019	318
Sept 2018	598	June 2019	341
Oct 2018	400	July 2019	218
Nov 2018	268	August 2019	292
Dec 2018	230	Sept 2019	499


From the table it is seen that the consumption per month of the Appellant is in the range of 218 to 499 units. This is true for the period prior and after replacement of the meter. The higher consumption is recorded in the disputed month of August and September 2018. This could be either due to improper meter reading resulting in accumulation or actual consumption of the Appellant. It is also observed that time period between two monthly readings varies from 0.7 month (21 days) to 1.2 month (36 days). Otherwise, had the meter been faulty, the consumption in subsequent months till meter replacement would have gone haywire. This is substantiated by the fact that the meter was found in order during laboratory testing. Therefore, there appears to be no grievance as such.

8. However, due to controversy in Accucheck and Laboratory testing, the litigation has started. The Respondent has carried out Accucheck testing very casually and without any seriousness. In view of the above, I pass the following order: -

- (a) The Respondent is directed to pay Rs.1000/- to the Appellant towards cost of litigation which shall be adjusted in the ensuing bill of the Appellant.
- (b) The other prayers of the Appellant are rejected.
- (c) The order of the Forum is revised to the extent above.

9. The Respondent is directed to submit compliance within two months from the date of this order.

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


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