

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 25 of 2021

In the matter of billing

Shyambahadur Rammanohar Yadav (User) Appellant
[Late Smt. Meenabai Rammanohar Yadav (Consumer)]

V/s.

Brihanmumbai Electric Supply & Transport Undertaking [CC(G/N)] Respondent

Appearances

For Appellant : Shyambahadur Rammanohar Yadav

For Respondent : Sudesh Tambe, Superintendent CC(G/N)

Coram: Mr. Deepak Lad


Date of hearing: 6th May 2021

Date of Order: 19th May 2021

ORDER

This Representation is filed on 10th March 2021 and Registered on 31st March 2021 after receipts of deposit, under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the order dated 18th December 2020 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum, by its order dated 18.12.2020 has dismissed the grievance No. N-GN-414-2020.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




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

- (i) The connection is in the name of Late Meenabai Rammanohar Yadav (Consumer A/c. No. 621-265-017) at 78/2, Hedavkar Wadi No.2, D.S.Babrekar Marg, Dadar (West), MTNL Road, near MTNL Head Office, Mumbai.
- (ii) The Appellant (User) is son of Late Meenabai Rammanohar Yadav and her legal heir. The change of name of electricity connection is yet not done in record due to internal dispute of Landlord and Developer.
- (iii) The Appellant (User) has received high bill of Rs. 800/- in the month of July 2020 even though there was less use of electricity during the pandemic lockdown period. He has paid electricity bills regularly up to June 2020.
- (iv) Hence, the Appellant filed the complaint in Annexure C on 09.09.2020 with Internal Grievance Redressal Cell (IGRC) for high bill. However, the IGRC by its letter dated 24.09.2020 has rejected the complaint. The Appellant then filed its grievance application with the Forum on 03.11.2020 which was dismissed by order dated 18.12.2020 without analysing basic issues.
- (v) There was SMS alerts from the Respondent about application of new tariff from June 2020(?).
- (vi) Therefore, it is prayed that the high bill be revised, and new tariff be applied from June 2020.


4. The Respondent BEST Undertaking has filed its reply dated 23.04.2021 stating as under: -

- (i) The Appellant (Shyambahadur Rammanohar Yadav - User) is a residential consumer (A/c. No.621-265-017) in the name of Meenabai Rammanohar Yadav at 78/2, Hedavkar Buiding, MTNL Road, near MTNL Head Office, Dadar(west), Mumbai.
- (ii) The Appellant (User) is son of Late Meenabai Rammanohar Yadav and legal heir. The change of name in record is yet not done due to internal dispute of Landlord and Developer.


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- (iii) The Appellant has filed the grievance due to issue of bill of Rs.800/- for the month of July 2020 alleging that it is high. Meter No. D029514 was previously installed in the Appellant's premises. The said Meter was replaced under Mass Meter Replacement Scheme on 18.12.2019 by Meter No.2290582 having initial reading zero.
- (iv) The consumption recorded prior to 2019 by Meter No. D029514 was around 81 units per month as per the consumption pattern. The New Meter No.2290582 was updated on master folio in January 2020. Since after updating of new meter, reading recorded was almost similar. The actual reading was 000132 units on 02.03.2020.
- (v) Due to the Covid-19 Epidemic, meter reading could not be taken for the period from 31.03.2020 to 02.06.2020. Estimated 68 units per month were charged for April, May & June 2020.
- (vi) The meter reading activity was restored from July 2020. Accordingly, the actual meter reading of Meter No.2290582 was found as 000497 Kwh on 01.07.2020 for accumulated consumption. The bill was corrected for actual slab benefit in computerized billing system for the period from April 2020 to June 2020. Actual debit of Rs. 378.19 was given in bill of July 2020.
- (vii) The Appellant was billed on estimated average consumption as per Regulation 15.3.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations 2005).
- (viii) The Appellant filed the high bill complaint in Annexure C Form on 09.09.2020 with the Internal Grievance Redressal Cell (IGRC). The IGRC, by its letter dated 24.09.2020 has rejected the complaint by giving self-explanatory reply.
- (ix) The Appellant has approached the Forum on 28.10.2020. The Forum, by its order dated 18.12.2020 has also rightly dismissed the grievance.
- (x) The registered Consumer Smt. Minabai Rammanohar Yadav has expired on 23.05.1997, however legal heir has not approached the Respondent for change of name till date.



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- (xi) The Maharashtra Electricity Regulatory Commission (Commission) has issued “Practice Direction” on 09.05.2020 for the clarification relating to billing of Appellant during the lockdown pursuant to Covid – 19.
- (xii) Further a Press Note was already released by the Respondent informing its consumers about tariff revision by the Commission in its MYT order in Case No. 324 of 2019 dated 30.03.2020. The new tariff is applicable from 01.04.2020.
- (xiii) In view of above submission, the Respondent prays that the representation of the Appellant be rejected as there is no billing disputes as such, and action of the Respondent is totally in line with the Tariff Order of the Commission.

5. The hearing was held on 06.05.2021 on e-platform through video conferencing due to the Covid-19 epidemic.

6. The Appellant argued during the hearing that the Respondent did not take meter reading for April, May & June 2020 due to lockdown. However, it is not understood as to how the Respondent issued high bill for July 2020. The meter was very much accessible, and the Respondent could have taken reading very easily as all meters in the building are installed at one place. The Respondent misquoted Regulation 15.3.1 of the Supply Code Regulations 2005. He further argued that the Respondent cannot increase the tariff from 01.04.2020 and the Press Note which is alleged to have been issued by the Respondent is fabricated. The Respondent on the other hand argued that the Appellant has been served with consumption of 68 units per month for April, May & June 2020. This average bill was issued as reading could not be taken due to Covid-19 lockdown. Actual reading of the meter in the month of July 2020 has been recorded as 497 KWh. The Appellant was billed for 132 units as reading noted on 02.03.2020. The Appellant was issued bill for 365 units (497-132) for April, May, June & July 2020 with due adjustment of average bill issued to the Appellant slab benefit was also passed on to the Appellant. Therefore, the Appellant has been correctly billed through computerised billing system. It is to be noted that the Commission has issue tariff order dated 30.03.2020 in Case No. 324 of 2019 and tariff was made effective from 01.04.2020, which was applied universally to all consumers of the Respondent including the Appellant.


(Dilip Dumbre)
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Analysis and Ruling

7. Heard the parties and perused the documents on record. On going through the records submitted by the Respondent, I am of the view that the Appellant has not appreciated the facts of the case, the billing system and tariff revision by the Commission. Had he understood the facts, he would not have raised any issue. Appellant, in its submission or in his arguments during the hearing has not at all complained about the correctness of the meter. The meter is replaced on 19.12.2019 with initial reading as zero. Reading recorded on 02.03.2020 is 132 KWh and on 01.07.2020 is 497 KWh. Thus, total consumption from 19.12.2019 to 01.07.2020 is 497 units for 195 days which works on to $497/195 = 2.5$ units per day. This period covers month of December, January and February comparatively winter period and March, April, May & June, summer period. Therefore, approximately 75 units per month for 30 days is appropriate consumption and there is no room for any complaint as such. This also fairly matches with previous year's consumption pattern. The Appellant also alleged that the Respondent's Press Note about the tariff is totally fabricated. This allegation is totally uncalled for and without any understanding of the facts. Had he perused the tariff order dated 30.03.2020 of the Commission in Case No. 324 of 2019 pursuant to which the Respondent has issued a Press Note for revision of tariff, he would have understood the issue. Therefore, I am of the opinion that this is a fit case for imposing cost on the Appellant for unnecessary litigation without understanding the facts of the case. However, I am taking a lenient view and hereby caution the Appellant to take care in future.

8. In view of the above, I do not find it necessary to interfere with the order of the Forum. The representation is disposed of accordingly.

9. The secretariat of this office is directed to refund the amount of Rs.400/- deposited by the Appellant to the Respondent for adjusting it against the Appellant's ensuing bill.

Sd/
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

