

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 12 OF 2020

In the matter of billing

Vashoomal Khemchand..... Appellant  
(Smt. Dhanvanti Ramswami, User)

V/s.

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

Appearances

For Appellant : J. S. Rajput, Representative

For Respondent : 1) M.S.Gavali, Addl. Executive Engineer, SDO-II  
2) K.N.Jaykar, Dy. Manager  
3) S.D.Sable, U.D.C.

**Coram: Deepak Lad**

Date of Order: - 17<sup>th</sup> March 2020

ORDER

This Representation is filed on 13<sup>th</sup> January 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 19<sup>th</sup> November 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).

  
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2. The Forum, by its order dated 19.11.2019 has partly allowed the grievance application No. 1953 of 2019-20. The operative part of the order is as below: -

- “2) Respondent Utility shall revise the bill for period Apr-2017 to Mar-2019 taking ‘338’units/months average.
- 3) Bill for period of 14 months i.e. Feb-2016 to Mar-2017 is set aside.
- 4) Respondent Utility grant 12 installments without DPC and Interest.
- 5) After payments of outstanding installments connection to be reconnected immediately.”

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

- (i) The Appellant, Smt. Dhanvanti Ramswami is the occupier and user of electricity who has filed this representation on behalf of Vashoomal Khemchand having commercial connection (No. 021510101372) from 24.07.1961 at Shop No. 847, Main Bazar, Ulhasnagar Camp 2.
- (ii) The Appellant was billed as per actual reading up to December 2014. The Respondent has started taking reading of meter through agency. The Appellant was billed mainly on average basis of lock status / inaccessible status from Jan-2015 to Feb-2019.
- (iii) The Appellant was billed for Rs.1,40,780/- for 12031 units in the month of March 2019. The Appellant was shocked due to high bill and rushed to the Respondent for enquiry. It was told that the high bill is due to accumulated readings. The Respondent did not give any proper reason for average billing. The present occupier is not responsible for the said accumulated bill. The average bill, locking of meter cabin etc. was in connivance with the Respondent and the previous occupier/rental person. Instead of taking action against the culprit staff of the Respondent, the Respondent issued disconnection notice to the Appellant with threat of disconnection.
- (iv) The Appellant approached the Forum on 30.09.2019. The Forum, by its order dated 19.11.2019 has partly allowed the grievance. The bill is revised for 24

  
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months with average of 338 units per month. There is no dispute as concerned to bill revision. However, the Forum failed to punish the culprit staff of the Respondent and did not consider the compensation as per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations) towards failure in taking readings. The Forum did not consider compensation towards mental harassment. The Appellant has to suffer financial burden of revised bill.

- (v) The Appellant prays that the Respondent be directed
- a) to pay compensation as per SOP Regulations.
  - b) to pay Rs. 30,000/- compensation towards mental harassment.
  - c) to punish concerned culprit staff of the Respondent towards dishonest behaviour.

4. The Respondent filed its reply by its letter dated 12.02.2020 stating in brief as below:-

- (i) The Appellant is a commercial consumer (No. 021510101372) from 24.07.1961 at Shop No. 847, Main Bazar, Ulhasnagar Camp 2.
- (ii) The meter of the Appellant was locked and inaccessible for reading. The Appellant was billed with inaccessible/lock status since many years. The Respondent, Meter reader, Shri Avtar Singh, has given in writing to Subdivision office on 26.03.2019 that the Appellant was not allowing to take the reading of the said meter as main gate and another gate entering to meter cabin was locked. The Appellant was informed, and the locks were broken in presence of the Appellant. The reading of the meter was taken and subsequently, the Appellant was billed for 12031 units which were accumulated units in the month of March 2019, amounting to Rs.1,40,775.64.
- (iii) The Appellant approached the Respondent office complaining of excess bill. She was explained in detail of the accumulated bill orally in return she assured the payment of the bill. The Appellant, by letter dated 22.03.2019 requested for

  
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two instalments of then total bill of Rs. 1,42,790/-. The Appellant was permitted to pay the bill in two instalments.

- (iv) The Appellant did not pay any instalments hence disconnection notice was served to the Appellant as per Section 56 (1) of the Electricity Act, 2003 (the Act).
- (v) The Appellant approached the Forum on 30.09.2019. The Forum, by its order dated 19.11.2019 has partly allowed the grievance. The Forum has directed to revise the bill by considering 338 units per month for 24 months only i.e. April 2017 to March 2019 without interest and DPC. Accordingly, the credit of Rs.17,978.69 was passed into the bill of the Appellant. The Appellant has paid the balance bill. The grievance is resolved totally.
- (vi) Therefore, the Respondent prays that the representation of the Appellant be rejected.

5. During the hearing on 27.02.2020, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that though the bill revision was carried out as per the direction of the Forum and it has no issue with respect to revision of bill, the Forum failed to punish the culprit staff of the Respondent. The Forum failed to consider the compensation as per SOP Regulations towards failure of taking readings and did not consider compensation towards mental harassment. The Appellant prays for Rs.30,000/- for compensation as per SOP Regulations, compensation towards mental harassment and to punish concerned culprit staff of the Respondent towards dishonest behaviour.

6. The Respondent argued during the hearing that the meter of the said connection was locked inside the shop and reading of the meter was not allowed. This act of the occupier is dishonest and not liable for compensation as per SOP Regulations. The Appellant has also not applied for compensation as per the Regulation 12.2 of the SOP Regulations. The bill of the Appellant is already revised for 24 months and the same is paid by the Appellant. The grievance is resolved totally. The appeal has no merit. Hence, the Respondent prays that the representation of the Appellant be rejected.

  
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## **Analysis and Ruling**

7. Heard both the parties. Perused the documents on record. The bill is revised as per the order of the Forum. The Appellant has paid the revised bill. Both the parties agreed to the extent that there is no billing dispute remaining to solve at present. The Appellant is billed on average basis preferably on Lock Status. The average was refunded in the month of March 2018 with credit bill of about Rs.27000/-. This clearly indicates that there is no due diligence on the entire issue of meter reading and billing. Revenue of the Respondent totally depends on the correct meter reading and billing accordingly. The occupier has also not approached the Respondent for wrong credit to the tune of about Rs.27000/-. This is probably the deliberate mischief played by the meter reader to defraud the exchequer i.e. the Respondent. However, later on, in March 2019, the Appellant was billed for accumulation consumption of 12031 units for Rs.1,40,775.64. Nevertheless, the issue of giving credit of Rs.27000/- warrants thorough investigation and needs to be taken to its logical end by the higher authorities of the Respondent.

8. Further, the Appellant has not made the meter accessible for taking readings from time to time. The Respondent also miserably failed to invoke the relevant provisions of the Electricity Act, 2003 which could have helped in taking the readings.

9. According to the Respondent, the Appellant has not applied for compensation as per Regulation 12.2 of SOP Regulations. The said Regulation is reproduced as below:-

*“12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations:*

*Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :*

*Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation:*

*Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.”*

  
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10. The Appellant's prayer for grant of compensation not being in line with above Regulations cannot be accepted.

11. The Forum's order being speaking and reasoned one, I do not find it necessary to interfere with the order of the Forum.

12. The Respondent is directed to investigate as to how credit of Rs.27000/- has been passed to the Appellant in the billing month of April 2018 and suitable action as deemed fit may be taken.

13. In view of the above, the Representation is therefore rejected. No order as to cost.

14. The Secretariat of this office is directed to send a copy of this order to the Chief Engineer MSEDCL Kalyan Zone, Kalyan.

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

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

