

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 20 OF 2022

In the matter of high bill due to faulty meter

Reliance Communications Ltd....Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Panvel (R) Respondent
(MSEDCL) -

Appearances:

Appellant : 1. Prakash T. Chavan, Manager
2. Naser Gaffar, Operational Head
3. Kailas Jagtap, AM

Respondent: Prakash B. Devke, Dy. Ex. Engineer, Karjat S/Dn.

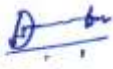
Coram: Vandana Krishna (Retd. IAS)

Date of hearing : 1st April 2022

Date of Order : 10th May 2022

ORDER

The Representation is filed on 24th February 2022 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF & EO Regulations 2020) against the Order dated 22nd December 2021 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



2. The Forum, by its Order dated 22.12.2021 has partly allowed the grievance application in Case of K/E/1808/2249 of 2021-22. The operative part of the order is as below:

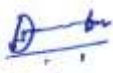
“2. The Consumer will pay the disputed bill in six equal installments along with the current bill.

3. The interest, DPC and penalty to be waived off.

4. The Licensee is directed to refund the bills charged after disconnection of power supply of the Consumer.”


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

- (i) The Appellant is a Company registered under the provisions of the Companies Act 1956. It provides various telecommunication services, inter alia including National Long-Distance Services, International Long-Distance Services, Internet Services on all India bases.
- (ii) The Appellant is an industrial consumer (No.0274000506154) from 23.05.2010 for operation of mobile tower which has been installed at the Village Bhivpuri, Tal. Karjat, Dist. Raigad.
- (iii) In the month of Nov-2020, the Respondent issued a bill of wrong reading for the alleged consumption of 12639 units. The Appellant, therefore, pursued the issue with Mr. Rathod, J.E. of the Respondent.
- (iv) It is submitted that Respondent earlier issued a letter stating that the bill is correct as per the load. However, the Appellant objected to the same and replied to the Respondent stating that meter reading is wrong and required to be checked and replaced due to faulty meter.
- (v) The Respondent installed another meter in series at the mobile tower belonging to the Appellant at Bhivpuri on 11.05.2021. However, upon installation of another meter also it was not showing proper output and reading which has resulted in high consumption reading due to faulty meter.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (vi) The Respondent subsequently informed the Appellant that the meter is required to be checked at Pen Office and accordingly, on 05.07.2021 the Respondent gave quotation of meter testing.
- (vii) The Respondent, however on 16.09.2021 i.e., before receiving the internal approval on payment of meter testing amount, disconnected the electricity supply without any notice and intimation to the Appellant. Not only this, the Respondent also demanded payment towards the disputed electricity bill without any justification, which led to severe disruption in mobile network services within the vicinity of Bhivpuri.
- (viii) Due to the illegal act of disconnection of electricity supply by the Respondent, the network services were badly impacted, and the Appellant was also put to suffer loss of business during the disconnection which is not less than Rs.50,000/- for which the Respondent is solely responsible.
- (ix) Upon multiple visits at the office of the Respondent at Karjat, discussions took place with Mr. Devke, Dy Ex. Engineer of the Respondent who informed the Appellant that MRI test is required to be carried out in respect of the meter without giving any resolution of the faulty meter reading.
- (x) The Respondent has not given any amicable solution for the grievance; hence the Appellant approached the Forum on 27.10.2021. The Forum, by its Interim Order dated 24.11.2021 directed the Respondent to restore the electricity supply immediately within 24 hours and submit its CP Reports, Parallel Meter Report, MRI Report along with para-wise comments on the grievance raised by the Appellant. Further, the Forum, by its Order dated 22.12.2021 has partly allowed the grievance application by directing the Consumer to pay the disputed bill in six equal installments along with the current bill with the interest, DPC and penalty waived off. Also directed the Licensee to refund the bills charged after disconnection of power supply of the Consumer.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



(xi) Being aggrieved with the order passed by the Forum dated 22.12.2021 the Appellant has filed the present representation challenging the said order on the following grounds: -


- a. The Order passed by the Forum is against the principles of natural justice as the same has been passed without considering the history of electricity consumption by the Appellant.
- b. The Forum has only considered the stand taken by the Respondent about issuing the bill on average meter reading and referring to the MRI report submitted by the Respondent which allegedly observed that there is increase in demand of electricity to extent of 28 KV against the sanctioned demand of 11 KV without referring to the Consumer Personal Ledger (CPL), which contradict Respondent's own contention regarding the increase in demand of electricity against sanctioned demand.
- c. The Forum ought to have considered that the Appellant is availing the services of Respondent since 2010 and in the span of last 10 years the supply was within the sanctioned demand of 11 KV. Out of sudden from the month of October 2020 the consumption increased by 4 to 5 times more than consumption of electricity in the past more than 10 years. This fact, itself denotes that not only the meter is faulty but also creates doubt on the authenticity of MRI test carried out of the meter.
- d. The Appellant has not installed any additional equipment apart from that which have already been installed prior


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



to the year 2020 hence no question of increase in bill by 4 - 5 times more than what the Appellant was used to receive prior to September 2020 arises at all.

- e. It is submitted that, the Forum ought to have considered that there is no connection of BB (DC Voltage) with SEB meter (AC Voltage). Both voltages are separated by Switch Mode Power Supply (SMPS). If any surge comes then SMPS would have become faulty, which has not happened. Therefore, Respondent has created hypothetical story and explanation about faulty meter.
- f. The Appellant states that installation of the Mobile Tower is governed by the Advisory Guidelines dated 01.08.2013. issued by the Department of Telecommunications (“DoT”), copy of which is kept on record.
- g. The Appellant is paying the current monthly electricity bills without any delay from November 2021 onwards. Despite the order dated 22.12.2021 passed by the Forum and the period provided therein for compliance of the same, the Respondent has illegally and arbitrarily disconnected the power supply in respect of the mobile tower belonging to the Appellant on 31.01.2022. The said action is in violation of the order passed by the Forum as much as its premature and without observing the timelines as stated in the order. The Respondent restored the electric supply on 02.02.2022.
- h. The Impugned Order has been passed only based upon the statement of the Respondent on assumption and



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



presumption of causing 'No Display' on meter since July 2021 due to alleged increased in demand of electricity of 28 KV against the sanctioned demand of 11 KV, without having substantive proof in respect thereof.

- i. The Appellant suffered huge loss in terms of losing its customers due to network problem and loss of revenue. Accordingly, the Respondent is liable to compensate the same to the Appellant with compensation as per level of standard performance and or of Rs.2000/- per day for the period from the disconnection of power supply till the date the actual restoration of power supply by the Respondent.
- j. The Forum has failed to consider that no due and proper procedure has been followed by the Respondent before issuing the exorbitant bill and it has failed to take corrective and necessary steps vis-à-vis the issue pertaining to the faulty meter for which the Grievance was filed by the Appellant.

- (xii) In view of the above, the Appellant prays that the Respondent be directed
- a. to revise bills for the period from October 2020 to September 2021 and all subsequent bills in accordance with law and rules, applicable thereto.
 - b. to pay of Rs. 50,000/- towards the loss of business caused to the Appellant due to illegal action of disconnection of electricity supply by the Respondent.
 - c. to restrain the Respondent or anybody acting through on its behalf from taking any coercive steps / actions in respect of the mobile tower.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




4. The Respondent, by its letter dated 14.03.2022 filed its reply which is in brief as under:-

- (i) The Appellant is an Industrial consumer (No.0274000506154) from 23.05.2010 having sanctioned load of 12 HP at present, at Diksal- Neral, Tal. Karjat, Dist. Raigad. The supply is used for mobile tower.
- (ii) The Appellant was billed as per actual meter reading up to September 2019 in the range of 1000 to 4000 units per month considering period of one year. The actual consumption of the Appellant was observed to be 12639 (145774-133135) units during monthly reading in October 2020. The Appellant was further billed with actual consumption from October 2020 onwards till August 2021. The display of the meter was in order at the time of meter reading in August 2021. The meter details are as below:

Meter details:

Make	L&T	Meter type	10-40A Whole Current meter
Sr. No.	08324402	Final reading taken in Aug2021	313978 kWh
Body seal Nos.	1737001 & PC070983	Stickers seals Nos.	144 & 0201449 (Worn out)


- (iii) The bills for the months of Sept-2021, Oct-2021 and Nov-2021 are generated on average basis as 9000, 9000 and 15000 Units respectively, as the meter became 'No Display' from Sep-2021 and it was not possible to get readings on Display Counter. The total average consumption of these three months is 33000 (9000 + 9000 + 15000) Units. The final reading before meter became 'No Display' was 313978 kWh. The MRI of the meter was downloaded and the reading as per MRI report was


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



379741.72 kWh. The difference is 65763.72 (379741.72 -313978) kWh .
Hence the average bills sent are within limit.


- (iv) The said Appellant has not paid the bill since Oct-2020 despite Section Officer invariably intimating about paying the bills or alternatively disconnection of the supply to the Appellant. Later, Appellant's representative came up with the grievance orally, that the consumption of the meter has been suddenly raised, that they suspect about meter being faulty.
- (v) As the Appellant raised grievance, as per the MSEDCL's regular practice and in view of making Appellant satisfy and pay the bill at earliest, the other meter was installed in series of the above meter in July 2021 for checking the consumption on the meter. The other meter was in series for about a month and results of both meters were shown to the Appellant's representative. The consumption on both meters were same. The series and main meter was recorded of 247 kWh units per day approximately as per section office letter No. 319 dated 01.12.2021. Accordingly, the consumption for a month is 247 kWh X 30 day = 7410 kWh.
- (vi) The series meter which was installed is not traceable by Section Officer Neral -2, as in the month of July-2021, Taukte cyclone showed up and Neral-2 section office was under water. The panchnama copy of the incident is kept on record.
- (vii) Despite several reminders and showing series meter result, Appellant did not pay the bill, hence supply was disconnected by removing the meter on 08.11.2021.
- (viii) After removal of meter, Appellant's representative approached the subdivision office of the Respondent and again verbally raised the grievance that he suspected the consumption shown on the meter.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (ix) It was then tried to download the MRI of the meter at subdivision level, but the attempts failed. Hence, it was decided to take up the matter with Experts.
- (x) As the meter is of L & T make, it was requested to the L & T company to help with downloading the MRI of the meter which successfully downloaded the MRI on 25.11.2021. The reading as per MRI report is 379741.72 kWh. The copy of MRI report is kept on record.
- (xi) The kVA demand of the Appellant for the period of 01.06.2020 to 01.06.2021 is as per billing data given below (Manual reading by Meter reading agency from meter display). Sanctioned Contract Demand of the Appellant is 11 kVA, and its maximum demand was as shown below 01.08.2020. From the month of Aug-2021 Appellant's consumption increased, hence demand is also showing an increase from 01.09.2020 which is beyond the sanctioned demand of the Appellant and showing on the bills of every further month which is more than sanctioned kVA Demand. From period 01.07.2021 to 01.10.2021 the kVA demand mentioned below is taken from MRI.

Date	Demand recorded (KVA)	Date	Demand recorded (KVA)
01.06.2020	3	01.03.2021	28.8
01.07.2020	4	01.04.2021	28.8
01.08.2020	4	01.05.2021	28.8
01.09.2020	28.8	01.06.2021	28.8099
01.10.2020	28.8	01.07.2021	28.9055
01.11.2020	28.8	01.08.2021	28.806
01.12.2020	28.8	01.09.2021	28.8056
01.01.2021	28.8	01.10.2021	28.8017
01.02.2021	28.8		


 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



- (xii) The sanctioned kVA demand of the Appellant is 11kVA and the increased demand is of 28.8 kVA. The calculation is shown as below:

kVA X Power Factor = kW and kW X Hours = kWh

1. Calculation as per sanctioned contract demand.

$$11 \times 0.9 = 9.9 \text{ kW}$$

$$9.9 \text{ kW} \times 24 \text{ hrs} \times 30 \text{ Days} = 7128 \text{ kWh}$$


2. Calculation as per increased demand.

$$28.8 \times 0.9 = 25.92$$

$$25.92 \times 24 \text{ hrs} \times 30 \text{ Days} = 18,662.4 \text{ kWh}$$

It can be clearly seen from above calculations that, as Appellant's demand increased, consumption also increased. If it is observed carefully, it can be seen on the bills of the Appellant that consumption was near about the same as explained above.

- (xiii) The meter installed to the Appellant was according to his sanctioned demand. But as Appellant's demand increased tremendously from July 2021, it might be possible that some internal heat/burnt and Meter display became faulty i.e 'No Display'.
- (xiv) Hence, the consumption on the meter is as per use, and the increase in the consumption is caused either because actual use of the Appellant was raised, or due to some other internal technical installation issue at Appellant's side (After Outgoing of the meter).
- (xv) As per the order of the Forum, the Appellant was to pay the disputed energy bills in six equal instalments with current bill, the interest, DPC and penalty is waived off by MSEDCL. The Appellant was liable to pay



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



the first instalment of the disputed energy bill along with current month's bill within 45 days from the date of the order, against which the Appellant has paid only current bills in the month of January 2022 and February 2022. Hence, it is requested to consider the grievance of the Appellant only after the initial payment of the first instalment of disputed bills by the Appellant in favour of MSEDCL as per the Forum's order.

(xvi) The Respondent prays that the Representation of the Appellant be rejected.

5. A physical hearing was held on 01.04.2022 and both the parties attended the hearing. The Appellant argued in line with its written submission. The Appellant is an industrial consumer from 23.05.2010 for mobile tower installed at the Village Bhivpuri with sanctioned load of 11 kVA. It is a Jio tower having consumption of 1300 units to 2000 units per month. However, there was a jump in consumption from 1800 to 9000/12000 units from August 2020. It was observed that recording of units in the meter increased from August 2020, however, the use of Tower was not increased. The consumption reached 25844 units in March 2021. The Appellant argued that the Respondent installed series meter, but this was also not showing proper output and reading. The Appellant made a complaint of faulty meter. The Respondent replaced the faulty meter on 16.09.2021. The Appellant then approached the Forum on 27.10.2021. An interim order was issued for restoration. There was no meter on the site from 16.09.2021 to 26.11.2021 due to temporary disconnection, and no supply was used. New meter was installed on 26.11.2021 and subsequently, bills were received as per actual usage in the range of 1500 to 2500 units per month which were paid. The Forum directed to refund the amount for the bills issued during the period of disconnection. The Appellant argued that the dispute is only of the old meter which was recording abnormal consumption for the period October 2020 to September 2021. In view of the above, the Appellant



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



prays that the Respondent be directed to revise bills for the period from October 2020 to September 2021 with previous/ post average recorded on the meter during healthy period.

6. The Respondent argued at length and reiterated its written submission. The Respondent argued that the Appellant was billed as per actual meter reading up to September 2019 in the range of 1000 to 4000 units per month. The actual consumption was observed as 12639 units during monthly reading in October 2020 and the Appellant was further billed with actual consumption from October 2020 onwards till August 2021. The display of the meter (L & T make Meter No. 08324402) was in order at that time of reading up to August 2021. Thereafter, there was 'No Display' on the meter, and it was not possible to get readings on the display counter. The said Appellant has not paid the bill since Oct-2020 despite being invariably intimated and warned about paying the bills or disconnection of the supply. Later, Appellant's representative came up with complaint of the grievance orally. Hence, another tested meter was installed in series with main meter in July 2021 for checking the consumption on both the meters. The tested meter was in series for about a month and the recordings of both the meters were same, which was shown to the Appellant. The series and main meter were recording of 247 units per day approximately as per section office letter No. 319 dated 01.12.2021. Accordingly, the estimated average consumption for the month of July is $247 \text{ kWh} \times 30 \text{ days} = 7410 \text{ kWh}$. Unfortunately, the series meter which was installed is not currently available due to floods in the month of July-2021 caused by Taukte cyclone. The panchnama copy of the incident is kept on record.

7. Despite several reminders and showing series meter result, Appellant did not pay the bill, hence supply was disconnected by removing the meter on 08.11.2021. After removal of meter, Appellant's representative approached the subdivision


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai





office of the Respondent and again verbally raised the grievance that he suspected about the consumption shown on the meter. The subdivision office tried to download the MRI of the meter, but it was of no avail. The matter was taken to the manufacturing company, L & T. The MRI of the meter was successfully downloaded on 25.11.2021. The reading as per MRI report is 379741.72 kWh.

8. The Respondent further argued that the kVA demand of the Appellant for the period of 01.06.2020 to 01.06.2021 is already kept on record. Appellant's consumption increased; hence demand is also showing an increase from 01.09.2020 which is beyond the sanctioned demand of the Appellant. The KVA recorded in the month clearly indicate that there was excess use, which matches with consumption recorded in the meter. The Respondent prays that the Representation of the Appellant be rejected.

Analysis and Ruling

9. Heard both the parties and perused the documents on record. The Appellant is an Industrial consumer from 23.05.2010 having sanctioned load of 12 HP at Diksal- Neral, Tal. Karjat, Dist. Raigad. The supply is used for mobile tower. The Appellant was billed as per actual meter reading up to July 2020 in the range of 1000 to 4000 units per month, considering the previous one year's bills. For some reason, the meter reading was not taken in August 2020, and an average bill was sent for 2472 units. In the next month, September 2020, the actual meter reading was taken, showing consumption of 3913 units for two months of August and September 2020. At this point of time, the previous bill should have been corrected or adjusted, which was not done. Hence, it is necessary to refund the billing of 2472 units as the Appellant is already billed with accumulated progressive reading for August and September 2020 in the bill of September 2020.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




10. Subsequently, the Appellant was billed with actual consumption from October 2020 onwards till August 2021. The display of the meter was in order at the time of reading in August 2021.

11. The consumption from July 2020 to August 2021 is tabulated as below:

Month	Initial Reading	Final Reading	Consumption (units)	Adjusted units	Remarks
Jul-20	127762	129222	1460		
Aug-20	129222	129222	0	2472	
Sep-20	129222	133135	3913		
Oct-20	133135	145774	12639		
Nov-20	145774	165778	20004		
Dec-20	165778	184041	18263		
Jan-21	184041	206649	22608		
Feb-21	206649	225799	19150		
Mar-21	225799	251643	25844		
Apr-21	251643	265180	13537		
May-21	265180	287576	22396		
Jun-21	287576	296518	8942		
Jul-21	296518	305468	8950		Series meter showed same reading
Aug-21	305468	313978	8510		
Sep-21	313978	313978	0	9000	Disconnected on 16.09.2021. No consumption.
Oct-21	313978	313978	0	9000	No consumption.
Nov-21	313978	313978	0	15000	No consumption. Reconnected on 26.11.2021.

Note: Bills of Sep-21 to Nov-21 are revised.

From the above table, it is observed that the consumption shot up from October 2020 onwards, which is the main point of contention between the two



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



parties. Earlier, the average consumption was in the range of about 2000 units , and it jumped up to about 12000 to 25000 units in the subsequent months. The Appellant is questioning this consumption pattern and they are alleging that these readings are incorrect due to defective meter. However, the Respondent maintains that the meter was not faulty, which was verified by installing a second meter in series with the main meter in July 2021. Both the meters showed similar consumption pattern in July 2021.

12. The Respondent has shown the month wise data of actual KVA demand recorded in the meters. The demand recorded on 01.06.2020 was 3 KVA, on 01.07.2020 was 4 KVA and on 01.08.2020 was 4 kVA. Thereafter, it seems that the load suddenly increased, probably due to some defects in the internal equipment of the Appellant, or due to some other reasons for which the Appellant is responsible, and it recorded high consumption beyond the outgoing point of supply of the meter. On 01.09.2020 and thereafter every month, demand recorded shot up to 28.8 KVA. Due to this, the consumption shot up from an earlier average of 2000 units to 20000 units. The Respondent is not responsible for this increase as the meter was tested using the series meter. In other words, accuracy of the main meter was confirmed by using the second meter installed in series for about a month. The recordings of both the meters were the same which were shown to the Appellant. The series as well as main meter were recording average 247 units per day for the first few days as per record. Accordingly, the consumption for the month of July can be roughly calculated as $247 \text{ kWh} \times 30 \text{ days} = 7410 \text{ kWh}$, which more or less matches the actual consumption of 8950 units for July 2021. Hence, it cannot be concluded that the meter was defective, or the bills were incorrect.

13. Thereafter, the meter stopped working sometime in September 2021, after taking the actual reading in August 2021. The connection was disconnected in


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



September 2021 for non-payment of dues. It was again reconnected in November 2021 as per the Interim Order of the Forum.

14. The Forum has rightly analysed the issue and has taken into consideration all these points. The Forum's order is modified to the extent as below:-


15. In view of the above, the main bill is maintained. The Respondent is directed:

- a. To revise the bill by waiving interest and DPC till the date of this order.
- b. To allow the Appellant to pay the revised bill in 10 equal monthly instalments along with current bills without any interest and DPC. In case of default, the interest and DPC shall be levied.
- c. The amount for 2472 adjustment units levied in August 2020 be refunded, and the credit be given in the ensuing bill.
- d. Compliance to be submitted within two months from the date of issue of this order.
- e. Other prayers of the Appellants are rejected.

13. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant by way of adjustment in the ensuing bills.

14. The Representation is disposed accordingly.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (M)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

