

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 188 OF 2022

In the matter of billing

Naresh C. Sawlani Appellant

V/s.

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

Appearances:

Appellant : J.S.Rajput, Representative

Respondent : 1. Nitin Kale, Executive Engineer, Ulhasnagar Dn. I
2. Bhaskar Kole, Addl. Ex. Engineer, Ulhasnagar-II Sub. Dn.

Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 6th February 2023

Date of Order : 9th February 2023

ORDER

This Representation was filed on 15th February 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 31st January 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

Preface

A deposit notice was issued on 17.02.2022 as per Regulation 19.22(h) of CGRF & EO Regulations 2020, however, the Appellant did not respond to the deposit notice. The representative of the Appellant informed recently that the Appellant had already paid the outstanding amount of high bill after Forum's



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Secretary

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order. Hence, it was not deemed necessary by him to pay the deposit as per notice. This was confirmed with the Respondent. The pending case was registered for “Admissibility Hearing” and a notice was issued vide notice no. 553 dated 08.12.2022.

2. The Forum, by its Order dated 31.01.2022 rejected the grievance application in Case No. K/E/2086 of 2020-21.

3. Aggrieved by the order of the Forum, the Appellant filed this representation. The e-hearing was held on 06.02.2023 through Video Conference. Both the parties were heard at length. The Appellant’s written submission and arguments in brief are stated as below: -


- (i) The Appellant is a LT industrial consumer (No.021514000392) from 20.07.2001 having sanctioned load (SL) of 60 HP and Contract Demand (CD) of 50 KVA at Bk. No.742, Shop No. 2, Sheet No. 69, Camp Dhobighat, Ulhasnagar. The Appellant runs an industrial unit of Plastic injection moulding which is a manufacturing process for producing parts by injecting plastic molten material into a mould.
- (ii) The Govt. of Maharashtra (GoM) declared a complete lockdown on 22.03.2020 to control the spread of Covid-19 Pandemic. The Appellant received high bills of 13060 and 14733 units in the months of May and June 2020 respectively. During the lockdown, the Appellant claimed that the unit was totally closed due to restriction of movement, and the Appellant denied the consumption of electricity in these months. The abnormal recording of consumption indicates that the meter was not working properly. Meanwhile, the Respondent replaced the faulty meter in April 2021. The abnormal consumption was nothing but misbehaviour of the meter, which might have happened due to abnormal surge, fault, or breakdown.
- (iii) The consumer demanded compensation as per SOP for physical, mental and financial agony.
- (iv) The Appellant prays that the Respondent be directed
 - a) to revise the bill of May and June 2020 considering no use due to lockdown, along with interest and delayed payment charges.
 - b) to pay suitable compensation for not following Standards of Performance.


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4. The Respondent filed its reply by its letter dated 24.01.2023. The e-hearing was held on 06.02.2023 through Video Conference. The Respondent's submission and arguments in brief are as below: -

- (i) The Appellant is a LT industrial consumer (No. 021514000392) from 20.07.2001 having SL of 60 HP and CD of 50 KVA at Bk. No.742, Shop No. 2, Sheet No 69, Camp Dhobighat, Ulhasnagar. The activity of the Appellant is plastic injection moulding.
- (ii) The GoM declared a lockdown with effect from 23.03.2020 due to Covid-19 Epidemic. The Appellant is a consumer with meter of Automatic Meter Reading (AMR) facility. There is no manual reading. The consumption of the Appellant was in the range of 7149(Jan. 2020) to 8099 units (Dec. 2019) for the period of July 2019 to March 2020 before the lockdown. The Appellant was billed with an average of 5661 units in the month of April 2020, for 13070(30690-17620) units in May 2020 and 14733(45433-30690) units in June 2020. The recorded Contract Demand was 144 KVA. After June 2020, the monthly consumption of the Appellant came back to the earlier normal range of 3000 to 8500 units per month.
- (iii) The Appellant has disputed these two high bills of May 2020 and June 2020 by his letter dated 11.08.2020 and requested to test the meter. This is the basic grievance of the Appellant.
- (iv) **The meter of the Appellant was tested in the Testing Laboratory on 25.08.2020 as per request of the Appellant. The test result of the meter was found in order. This was informed to the Appellant verbally and he was requested to pay the outstanding bills.**
- (v) The Appellant filed his grievance application in Internal Grievance Redressal Cell (IGRC) on 19.10.2020. The IGRC by its order dated 01.12.2020 has directed to take up the case with Billing & Revenue Department of Corporate office, being an AMR Case.
- (vi) The Appellant approached the Forum on 11.02.2021. The Forum, by its Order dated 31.01.2022 rightly rejected the grievance application.
- (vii) The consumption of 13070 units of May 2020 was the accumulated consumption for the 2 months of April and May 2020, as the Appellant was billed on average basis of 5661 units for April 2020, which was refunded in the month of May 2020. The billing software has auto divided the May 2020 bill into two months, with 6535 units per month for April and


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May 2020. The average power factor of the Appellant was very low i.e., 0.45 and 0.59 in May and June 2020. These low power factors resulted high recording of Contract Demand. The Appellant was billed with Automatic Meter Reading, which was received into the AMR monitoring mechanism.


- (viii) The Appellant consumed electricity in the months of May and June 2020. The factory of the Appellant was working even in the lockdown period as per analysis of AMR received. The meter was found in order, and the billing system has billed the Appellant correctly. The Respondent explained each and every parameter of the bill to the Appellant. The Appellant was satisfied and paid the outstanding bill immediately.
- (ix) The representation of the Appellant is time barred and hence it should be rejected at admission stage. The Appellant has written only two or three letters, however most of the correspondence was done with the signature of Jagansingh Rajput, his Representative who has a vested interest in the case. This representative is not a “relative, neighbour, business associate”, but seems to be an agent, which is barred as per Regulation 8.10 and 8.11 of CGRF & EO Regulations 2020.
- (x) In such circumstances, the Respondent prays that the Appeal filed by Appellant be dismissed with cost.


Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant runs an industry of Plastic injection moulding. The Appellant’s main grievance is about high billing for the months of May and June 2020 during the period of Covid-19 lockdown. He also claimed that his meter was defective which was replaced by the Respondent in April 2021.

6. The Respondent reiterated that the Appellant is an AMR (Automatic Meter Reading) consumer. The Appellant was billed with average of 5661 units in the month of April 2020 due to Covid-19 lockdown declared from 23rd March 2020. Further, the Appellant was billed for 2 months’ accumulated consumption for 13070 units in May 2020 where the Respondent passed the credit of April 2020. Thus, it is clear that 13070 units consumption is for two months i.e., April and May 2020.

The meter was checked for accuracy in August 2020 and was found to be in order.


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7. While perusing the documents of the Appellant, it is observed that the Appellant had approached the GoM to give permission for continuing manufacturing of essential commodities / products like mops, brooms, wipes, etc. in his factory during the Covid-19 lockdown period. The self-certification / permission for commissioning of factory under lock-in conditions was issued on 01.06.2020 by GoM. This clearly indicates that his factory was working for manufacturing of essential products. Hence, the claim of the Appellant that the factory was closed during April, May and June 2020 does not sustain.

8. The technical reason for high billing was analysed by the Forum. The power factor of the Appellant was very low at 0.45 and 0.59 in May and June 2020 which is seen in the CPL. These low power factors resulted in high recording of Contract Demand. The Appellant was billed with Automatic Meter Reading, which was received into the AMR monitoring mechanism. This being an automated process without any manual intervention, there is no scope for manipulation or human error.

9. The Forum in its order dated 31.01.2022 has properly analysed the reasons for the high recorded consumption of the Appellant, hence it is not necessary to interfere with the order of the Forum.

10. In view of these facts and circumstances, the relief sought by the Appellant cannot be entertained, and the grievance is accordingly disposed of.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

