

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 135 OF 2022

In the matter of billing

Leele Laxman.....Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Bhandup (MSEDCL) Respondent

Appearances:

Appellant : Suraj Chakraborty, Representative

Respondent : 1. Sawairam, Executive Engineer, Bhandup

2. Sanjay Borkar, Addl. Ex. Engr., Bhandup Sub Dn.

Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 14th October 2022

Date of Order : 18th October 2022

ORDER

This Representation is filed on 29th August 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 20th June 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup Urban Zone (the Forum).

2. The Forum, by its Order dated 20.06.2022 has dismissed the grievance application in Case No. 56 of 2021.




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Secretary

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3. The Appellant filed this representation against the order of the Forum. The hearing was held on 14.10.2022 through Video Conference. Both the parties were heard. The Appellant's written submission and arguments in brief is stated as below: -

- (i) The Appellant is a residential Consumer (No.000060104034) from 17.06.2011 having sanctioned load of 0.26 KW at Room No. 05, Radha Sadan Chawl No.10, Gavdevi Road, Bhandup, Mumbai. The meter (Sr. No.1689459) was installed in the premises.
- (ii) The Appellant is a single-phase consumer in a slum area, with minimum electric gadgets. The Appellant was billed with a consumption pattern of 120 to 130 units per month for the first three years. The Appellant suddenly received a high bill of Rs.38,354/- for 2939 units in the month of January 2020.
- (iii) The Appellant further received high bills of 818 units and 899 units in Feb.2020 and Mar.2020 respectively. The Appellant received a very high bill of Rs. 1,44,900/- for 5740 units in July 2020 during the Covid-19 pandemic. This clearly indicates that the meter was recording abnormal consumption, and the meter lost its accuracy.
- (iv) The Appellant submitted a grievance of high bill to the Respondent on 16.09.2020. However, the Respondent did not take any action. The Respondent was duty bound to check the electric installation as the Appellant was billed for more than four times of average consumption as per Respondent's Circular dated 03.06.2017.
- (v) The Appellant approached the Forum on 06.01.2021. The Forum, by its Order dated 20.06.2022 has dismissed the grievance application.
- (vi) The Forum failed to understand the following basic issues while deciding the case: -
 - a) The meter is defective, and it is supposed to bill as per Regulation 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations 2005). The said Regulation mandates that in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen.



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- b) The Respondent inspected the premises on 29.12.2020. The power supply was used in 11 small rooms having 60 square feet area per room. The connected load was found 11 tubes, 2 bulbs, 2 mixers only.
 - c) The rooms are used as a labour camp. Many times rooms are vacant.
 - d) The Forum did not verify consumption pattern of electricity used for the last three years as shown in Consumer Personal Ledger.
- (vii) The Appellant is ready to pay the assessed bill based on connected load which was found at the time of inspection dated 29.12.2020 in the interest of solving the billing dispute.
- (viii) In view of the above facts, the Appellant prays that the Respondent be directed
- (a) to withdraw the fictitious bills totally, and to revise the accumulated bills with assessed consumption based on connected load found on site without any interest and DPC.
 - (b) to allow the revised bill with suitable installments without any interest and DPC.


4. The Respondent, by its letter dated 16.09.2022 has submitted its written reply. The hearing was held on 14.10.2022. The written submission along with its arguments is stated in brief as below: -

- (i) The Appellant is a residential Consumer (No.000060104034) from 17.06.2011 at Room No. 05, Radha Sadan Chawl No. 10, Gavdevi Road, Bhandup, Mumbai.
- (ii) The Appellant was billed as per actual reading till the month of October 2019 with consumption pattern of 120 to 130 units per month from the last one year. The Appellant was billed in November and December 2019 for 'average' consumption of 121 units per month with the status of "Reading Not Taken (RNT)". The actual reading of 18884 kWh was taken in Jan.2020. Hence, the Appellant was billed for 2939 (18884- 15945) units for 3 months, and adjustment of Rs. 1527.92/- of average units billed for the previous 2 months, was credited in the bill of Jan.2020 by the system, as per auto programme of the billing.
- (iii) The Appellant was billed with 818 units and 899 units as per actual meter reading for the month of February 2020 and March 2020 respectively.


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- (iv) The Government of Maharashtra had declared lockdown throughout the state from 24.03.2020 due to Covid-19 pandemic, hence, it was not possible to take monthly readings from April 2020. The Maharashtra Electricity Regulatory Commission (the Commission) by its order dated 26.03.2020 had directed the Distribution Licensee (i.e. MSEDCL) to suspend the actual meter reading and to serve the electricity bills on monthly average basis.
- (v) Accordingly, the Appellant was billed with average of 899 units per month from April 2020 to June 2020. The actual meter reading was taken in the month of July 2020. The bill was generated for 4.07 months with total consumption of 5740 units of Rs.1,44,356.7/- along with credit of average billing for the previous 3 months of Rs.34875.05/- as per auto programme of the billing by the system.
- (vi) The Appellant has not paid the electricity bill from 17.12.2019 onwards. The Respondent visited the premises of the Appellant on 29.12.2020. As per site inspection, it is observed that there are 11 rooms, and a single meter was installed in the name of Leele Laxman. All these rooms were allotted to labourers on monthly rent basis. During the hearing, the Respondent stated that the labourers were staying in the premises from November 2019 onwards which led to the increase in monthly bills.
- (vii) From November 2019 to March 2020, the consumption trend was 800 to 900 units per month. During Covid-19 Pandemic period, there was no work for labourers due to the complete /partial lockdown; all labourers were continuously staying in these rooms due to which the consumption and use of power supply must have increased, and electricity consumed was recorded in the meter.
- (viii) The meter (Sr. No. 1689459) was tested at site on 24.02.2021 in the presence of the Appellant, and the test result of meter was found in permissible limits.
- (ix) The Appellant filed a grievance before the Forum on 06.01.2021. As per Appellant's request during the hearing, and as per direction of the Forum, the meter was again tested in the Testing Laboratory on 18.02.2022. The test result of the meter was found in order which was conveyed to the Forum. After going through all evidence and facts, the Forum, by its Order dated 20.06.2022 rightly dismissed the grievance application.


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- (x) The Appellant was temporarily disconnected in March 2021 due to non-payment of outstanding arrears and then permanently disconnected on 8th June 2021. Total outstanding arrears have increased to Rs. 2,70,650/-.
- (xi) The Respondent argued that the Appellant referred to the inspection report dated 29.12.2020. On the back side of the same inspection report, the events of load logging of maximum recorded load in KW for the last six months, with time and date, was written, which clearly indicates that the Appellant was using load of 2.7 to 3.7 KW which tallied with the consumption recorded in the meter.
- (xii) The Appellant claimed defective meter and implementation of Regulation 15.4.1 of Supply Code Regulations 2005. However, the meter was tested twice and found to be in working condition. The test results of the meter were found in order. The load pattern of 2.7 to 3.7 KW established the consumption pattern of 800 to 1000 units per month. Hence, Regulation 15.4.1 of Supply Code Regulations 2005 is not applicable in the present case.
- (xiii) As power supply was being utilized for 11 rooms rented to labourers; the electricity bill is correct as per meter reading and is required to be paid by the Appellant.
- (xiv) In view of the above, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

5. Heard the parties and perused the documents on record. The Appellant is a residential Consumer (No. 000060104034) from 17.07.2011 at Room No. 05, Radha Sadan Chawl No. 10, Gavdevi Road, Bhandup, Mumbai.

6. The consumption recorded from Oct. 2019 to March 2021 of the Appellant is tabulated below:


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Month	Initial Reading (kWh)	Final Reading (kWh)	Diff (Units)	Remark	Month	Initial Reading (kWh)	Final Reading (kWh)	Diff (Units)	Remark
Oct-19	15834	15945	111		Aug-20	26341	27487	1146	
Nov-19	15945	15945	121	RNA	Sep-20	27487	28552	1065	
Dec-19	15945	15945	121	RNA	Oct-20	28552	29518	966	
Jan-20	15945	18884	2939	3 months cons.	Nov-20	29518	30583	1065	
Feb-20	18884	19702	818		Dec-20	30583	31462	879	
Mar-20	19702	20601	899		Jan-21	31462	31462	970	Faulty
Apr-20	20601	20601	0	RNA	Feb-21	31462	31462	970	Faulty
May-20	20601	20601	0	RNA	Mar-21	31462	31462	0	Faulty & Temporary disconnected
Jun-20	20601	20601	0	RNA	RNA : Reading Not Available.				
Jul-20	20601	26341	5740	4 months cons.					

From the above table, it is seen that the consumption of the Appellant was 121 units in Oct. 2019. It increased in the range of 800 to 1100 units from Nov. 2019 to Dec. 2020.

7. The load logging of the meter as indicated in inspection report dated 29.12.2020, clearly established that the load of the Appellant was in the range of 2.7 to 3.7 KW as shown below:

Six months load logging History of Meter No. 1689459			
Date	Time (Hrs.)	KW load recorded	Reading of the meter
25.12.2020	23.30	2.72	32066
19.11.2020	23.30	2.96	31447
27.10.202	23.00	3.08	30532
09.09.2020	22.00	2,96	29468
28.08.2020	22.30	3.1	28499
03.07.2020	21.30	3.66	27431

8. The meter was initially tested on site by Accucheck on 24.02.2021. The test result of the meter was found in order. The meter was again tested as per direction of the Forum in Testing Laboratory on


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18.02.2022. The test result was again found in order. The Appellant was billed as per actual reading. When it was billed with RNT status, the credit of average billing was passed on by the system.

9. Regulation 16.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Prior Regulation 15.4.1 of Supply Code Regulations 2005) speaks that

*“16.4.1. Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the Consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill:”
.....(Emphasis added)*

In this case, the meter was tested and found in order. Hence, the Regulation 15.4.1/16.4.1 will not support the claim of the Appellant.


Considering all these facts, the Forum has rightly observed that the consumer is not entitled to any benefit as per Regulation 15.4.1 / 16.4.1 of Supply Code regulations 2005 /2021.

10. So far as the bills of January and February 2021 are concerned, the Appellant was billed on ‘Faulty Status’ for these months with average consumption of 970 units per month. It is therefore necessary to revise the bill as per actual meter reading.

11. In view of this discussion, the prayer of the Appellant for application of Regulation 15.4.1 of Supply Code Regulations 2005 is not tenable and therefore rejected.

12. I, therefore, direct the Respondent

- a) to revise the bills of January 2021 and February 2021 as per actual reading of the meter and waive of interest and DPC.
- b) to allow the Appellant to pay the bill in 10 monthly installments.
- c) Other prayers of the Appellant are rejected.


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13. The Forum's order is modified to the above extent.

14. The representation is disposed of accordingly.

15. Compliance to be reported by the Respondent MSEDCL within two months from the date of issue of this order.

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



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

