

**BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)**

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

**REPRESENTATION NO. 86 OF 2022**

**In the matter of high billing**

Prakash B. Mahajan.....Appellant

V/s.

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

**Appearances:**

Appellant : 1. Prakash Mahajan  
2. Sandip Khodaskar, Representative

Respondent : 1. Anil Patil, Executive Engineer, Wagle Estate, Thane  
2. N.M. Sonavane, Addl. Executive Engineer, Lokmanya Nagar Sub-Dn.

**Coram: Vandana Krishna (Retd. IAS)**

Date of hearing: 30<sup>th</sup> June 2022

Date of Order : 13<sup>th</sup> July 2022

**ORDER**

This Representation is filed on 31<sup>st</sup> May 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 18<sup>th</sup> April 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup Zone (the Forum).

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Secretary

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2. The Forum, by its Order dated 18.04.2022 has rejected the grievance application in Case No. 161 of 2021-22.

3. The Appellant filed this representation against the order of the Forum. The hearing was held on 30.06.2022 through Video Conference. Both the parties were present. The Appellant's written submission and arguments in brief is stated as below: -

- (i) The Appellant is a 3 phase Commercial Consumer (No. 000061702717) from 23.03.2007 having sanctioned load (SL) of 6 KW at Chawl No. 60/428, Shivainagar, Pokharan Road No 1, Thane. The Appellant is in trading business where the supply is used for testing of machinery and has limited use. The consumption pattern of the Appellant ranges from 50 to 250 units for the last one year as per requirement of the electricity. The Appellant is a bonafide consumer in payment of bills.
- (ii) The Appellant was receiving only one phase out of three phase power supply on 14.08.2021. A complaint was lodged at Respondent's Fuse off Call Complaint Centre. The wiremen visited the site and checked the supply. It was declared by them that there was a cable fault and hence only one phase was working. The Appellant lodged a second complaint on 25.09.2021, but the same was not resolved. During this period the Appellant was told by MSEDCL staff to use Single Phase supply instead of 3 phase supply. Accordingly, they modified the wiring at the meter terminal by looping single phase supply to get supply for three phases. The Appellant's lighting supply was restored, but three phase supply was not available, hence there was limitation for the testing of equipment.
- (iii) The supply was only restored on 04.10.2021 by attending to the cable fault. It means that the three phase supply was not available to the Appellant from 14.08.2021 to 04.10.2021, and 3 phase meter was connected with single phase connection, due to cable fault. The Appellant was billed for Rs. 69927/- with 6708 units for the period August to October 2021. This abnormal billing needs to set aside.
- (iv) The power supply has to be restored within 4 hours in urban areas when there is an "off supply" complaint, however, it was restored after 51 days.



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- (v) The meter of the Appellant was replaced on 21.10.2021. The Appellant argued that the average consumption for the last seven months was only 73 units per month. There is no possibility to consume 6708 units for three months, when the cable fault occurred.
- (vi) The Appellant filed his grievance application before the Forum on 04.01.2022. The Forum, by its Order dated 18.04.2022 rejected the grievance application. The Forum failed to understand the basic issue whether such a heavy current can be catered by the defective cable. As a matter of fact, only one phase was working, and other two phases were not working, being in fault.
- (vii) The Appellant argued that he is a Senior Citizen, aged 70 years old, and he is suffering from various health issues. The Appellant has to run from pillar to post to resolve his grievance.
- (viii) In view of the above, the Appellant prays that the Respondent be directed
  - a) to revise the exorbitant bill of Rs. 69,927/- as per average consumption established for the past one year, and to waive off interest and delayed payment charges levied till date.
  - b) to compensate Rs.1,00,000/- towards mental agony and torture and expenditure towards filing representation.

4. The Respondent filed its reply vide letter dated 17.06.2022. The hearing was held on 30.06.2022 through Video Conference. Its written submission and arguments in brief is stated as below: -

- (i) The Appellant is a 3 phase LT Commercial Consumer (No. 000061702717) from 23.03.2007 with SL of 6 KW at Chawl No. 60/428, Shivainagar, Pokharan Road No 1, Thane. The supply is used for testing of machinery, trading, etc. A Secure make meter (Sr. No. MS094245) was installed at the consumer's premises. The Appellant is regular in payment of his electricity bills.
- (ii) The Appellant registered his "off supply" complaint on 21.08.2021. While attending to the "off supply" complaint, it was observed that there was a cable fault, and the consumer was receiving only one phase supply. It was difficult to attend to the cable



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fault immediately, as road excavation permission was required from Municipal Corporation, Thane. It was rainy season, and it is tough to get permission immediately. As soon as the road excavation permission was received from the Corporation, the cable fault was attended.

- (iii) It was found that there was excessive consumption recorded in the meter. The Appellant requested to test the meter and change the meter. A Secure make meter (Sr. No. MS094245) was tested on site and was found in order. As per Appellant's request, the said meter was replaced by a new meter on 21.10.2021. As per Appellant's complaint, the meter was tested on 12.11.2021 in Testing Laboratory, Wagle Estate Division. The said meter was found within permissible limit of error.
- (iv) The actual meter reading observed on the meter was 130379 KWH. The last bill issued to the Appellant was for reading of 123594 KWH. There was unbilled consumption of 6935 Units for 3 months from August to October 2021. Accordingly, Recovery (B-80) was prepared for Rs. 69,057/- for the period from August 2021 to October 2021 and the bill was served to the Appellant.
- (v) The Respondent argued that the meter installed on the premises of the Appellant was found in order during testing. The excess consumption might be due to some defect of electric installation at the Consumer's premises, which was never disclosed by the Appellant.
- (vi) Considering these facts and circumstances, the Respondent prays that the Representation of the Appellant be rejected.

5. During the hearing, it was recommended to the Appellant and the Respondent to explore the possibility of an amicable settlement as prescribed in Regulation 19.14 of CGRF & EO Regulations 2020.

6. As per the recommendation for mutual settlement between the parties, the Appellant agreed to settle the matter mutually vide its email dated 02.07.2022. However, his options given for settlement were not acceptable to the Respondent, therefore, an amicable settlement is not possible.

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## Analysis and Ruling

7. Heard the parties and perused the documents on record. The Appellant is a 3 phase LT Commercial Consumer who is in trading of machinery for the last 6 years. A Secure make meter (Sr. No. MS094245) was in service at the consumer's premises during the disputed period.

8. The Appellant registered an "off supply" complaint on 21.08.2021. While attending to the "off supply" complaint, it was observed that there was a cable fault, and the consumer was receiving only one phase supply. The cable fault was attended on 04.10.2021. It was seen that there was excessive consumption recorded in the meter. As per Appellant's request, the said Secure meter was replaced by a new meter on 21.10.2021. The said Secure make meter was tested on 12.11.2021 in Testing Laboratory, Wagle Estate Division. The said meter was found in order.

9. There was unbilled consumption of 6935 Units for 3 months from August to October 2021. This comes to an average of 2311 units per month for the disputed period, which is much higher than the previous consumption pattern. The Respondent issued a supplementary bill of Rs. 69,057/- for the period from August 2021 to October 2021.

10. It is difficult to digest such a huge consumption of 6935 units for three months from August to October 2021, when only one phase of power supply was working. Hence, there would not be any use of three phase motor. However, the meter was tested in Testing Laboratory of Division Office and the test result of the meter was found in order. The MRI report submitted by the Respondent is tabulated below:



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Consumer No. 000061202717				
MRI Events of Meter Sr. No. MS 094245				
Date	Reset Mechanism	KW	KWH	KVA
21.06.2022	Auto	2.00	130380	2.00
12.11.2021	Auto	1.56	130379	3.22
04.10.2021	Auto	228.18	130301	228.18
03.09.2021	Auto	96.40	124133	96.20
01.09.2021	Auto	24.78	123807	24.78
31.08.2021	Auto	45.40	123807	45.40
28.08.2021	Auto	109.02	123771	109.22

It can be seen from the Report that there was event logging of load of 109.2, 45.40, 24.78, 96.40, and 228.18 KW on 28.08., 31.08., 01.09., 03.09., and 04.10. 2021 respectively. It is advised to refer this case to a manufacturer along with MRI data and/or meter as a Case Study. The benefit of doubt goes in favour of the Appellant as a peculiar case i.e., different to what is normal or expected.

11. Considering the peculiarity of the case, the Appellant's maximum and minimum consumption for the last six years as per Consumer Personal Ledger was studied, which is tabulated as below:

Year	Maximum Consumption (Units)	Month	Minimum Consumption (Units)	Month
2016-17	217	Mar-17	111	Apr-16
2017-18	401	May-17	215	Jan-18
2018-19	469	May-18	151	Mar-19
2019-20	353	May-19	47	Feb-20
2020-21	204	Oct-20	77	Dec-20
2021-22	122	Jun-21	51	Mar-22

12. Considering the above consumption pattern, it would be reasonable to bill the consumer for maximum consumption recorded of 469 units in the month May 2018, for the period from August to October 2021 to solve the billing dispute. Hence, the order of the Forum is set aside.



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13. In view of the above, I pass the following order: -

The Respondent is directed:

- (a) to revise the bill by considering consumption of only 469 units per month for the 3 months period from August to October 2021, by withdrawing interest and delayed payment charges levied from the date of issue of this order.
- (b) The other prayers of the Appellant are rejected.
- (c) Compliance be reported by the Respondent within two months from the date of issue of this order.

14. The instant Representation is disposed of accordingly.

15. The Secretariat of this office is directed to refund the amount of Rs. 25000/- taken as deposit from the Appellant by adjusting in his ensuing bill.

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

(Dilip Dumbre)  
Secretary

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