

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO.2 OF 2021

In the matter of billing

Madhav Jagannath Pargaonkar..... Appellant

V/s.

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

Appearances:

For Appellant : 1. Madhav Jagannath Pargaonkar
2. Arvind Prabhakar Kale, Representative

For Respondent : D. V. Barapatre, Addl. Executive Engineer

Coram: Deepak Lad

Date of hearing: 18th February 2021

Date of Order : 18th March 2021

ORDER

This Representation is filed on 18th January 2021 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the Order dated 15th October 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL, Jalgaon Zone (the Forum).



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Secretary


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2. The Forum, by its order dated 15.10.2020 has dismissed the grievance application in Case No.23 of 2019-20.


3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating as under: -

- (i) The Appellant is a single-phase residential consumer (No.110014051571) since 28.10.1981 at 516/6, Ajay Cooperative Housing Society, Jalgaon.
- (ii) The Appellant is about 72 years old and heart patient and presently staying with his son at Pune and has given authority to his representative, Mr. Arvind Prabhakar Kale, 2, Jivan Nagar, Near Ramanand Nagar Stop, Jalgaon 425002 in representing him in this case.
- (iii) The Appellant is seeking justice for exorbitant billing despite house locked (not in regular use).
- (iv) The Appellant has been billed for Rs.87060/- in the month of August 2019. The bill appears to be exorbitant as the premises is sparingly used, the Appellant being residing with his son at Pune from June 2017. In the bill referred, current reading is shown as 35805 taken on 13.08.2019 against last reading 27763, then taken on 01.07.2018. Hence, the Appellant approached the concerned Executive Engineer on 26.08.2019. As per his directions, applied for meter testing on 15.10.2019 by signing the requisite form and on paying fees of Rs 236/- vide receipt No. B049630033269.
- (v) The test report was received vide letter No. 709 dated 15.10.2019 which shows that the meter in question cannot be tested. Further, when the Appellant approached the Executive Engineer, despite the said report, he retained his decision and asked to approach the Internal Grievance Redressal Cell (IGRC) for redressal of his grievance as the case according to him was not in his limit and power.
- (vi) Accordingly, the Appellant approached the IGRC on 16.11.2019. However, there was no reply from IGRC and then suddenly on 15.01.2020, the Appellant received a phone call from the office of IGRC that hearing in the matter was scheduled on 16.01.2020. The Appellant most humbly submit that fixing the date of hearing


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- suddenly and calling the complainant at such a short notice speaks about the attitude of the Respondent towards their consumers. The Appellant seriously apprehend it to be a decision intentionally made to see that he fails to attend the hearing. The Appellant immediately contacted his representative about the hearing.
- (vii) The IGRC, by its order dated 30.01.2020 rejected his grievance. Therefore, the Appellant approached the Forum on 17.03.2020. The entire proceedings in the IGRC were not in accordance with the general standards set out for conducting the hearing.
- (viii) At the Forum too, the Appellant experienced the same situation as that of IGRC in the entire proceedings before it.
- (ix) Despite short notice, the Appellant somehow managed to be present on 11.06.2020 at 11.00 a.m. After the said date, nothing was not informed regarding the next date from the Forum. When the Appellant, on 20.11.2020, visited the Executive Engineer, he was surprised when informed that the decision of the Forum in the matter was given. I learned there that copy was sent to the Executive Engineer, Dixit Wadi, to be served upon the Appellant, the copy was ready since 12.11.2020 but was not dispatched to the Appellant.
- (x) The Appellant further waited for some days with the expectation that the Forum will send the copy of decision. Thereafter, approached the Forum on 11.12.2020 and gave them a letter to that effect. On 23.12.2020 at about 13.45 hrs, a copy of the order from the Forum was received on the Appellant's address by hand delivery through clerk of the Forum.
- (xi) The Appellant has paid all bills up to October 2020 under protest. The Appellant has paid Rs. 9990/- bill as per the letter dated 11.12.2020 which may be refunded or adjusted into current bill.
- (xii) While going through the Consumer Personal Ledger (CPL) the problem emerged in August 2019 with reading 35805 KWH. Then the problem would have timely sorted out with normal reading on July 2018 (27763 KWH) thereafter August and September 2018 as locked and in October 2018 it suddenly jumps to 34051 KWH which shows difference to 6,288 units and therefore it comes to mind that problem


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could have sorted out there itself or the process would have taken at earlier date which would have been in due course of time within the power of the Executive Engineer and further all the stress could have been avoided which finally landed up to the bypass of the Appellant wherein he had to spend almost Rs 2.50 lakhs and above that it would have been life threatening which would be irrecoverable loss to their family.

(xiii) The Appellant prays that the Respondent be directed: -

- a) To normalise (justify) the billing.
- b) To refund Rs. 9990/- paid by the Appellant.
- c) To refund Rs. 2.05 lakhs towards expenses of hospitalization.
- d) To give compensation of Rs.20000/- towards harassment and mental torture.

4. The Respondent filed its reply dated 12.02.2021 stating in brief as under:

- (i) The Appellant is a single-phase residential consumer (No.110014051571) at 516/6, Ajay Cooperative Housing Society, Jalgaon.
- (ii) The Appellant was billed as per the actual meter reading up to July 2018 who paid the bills regularly, therefore, there was no outstanding dues up to July 2018.
- (iii) The electricity bill from August 2018 to August 2019 (it should be July 2019) was on 'Lock Status' basis as premises was locked. The Appellant did not submit the meter reading on his own mobile app, nor did he complain to this office. The electricity bill is also paid by the Appellant without any complaint.
- (iv) When the premises were open in August 2019, the actual meter reading was received by meter reader which shows photo reading as 35805 KWH as such the billing is done for the entire thirteen months from August 2018 to August 2019 and Lock credit was also released by the billing system in August 2019 bill. The current reading for August 2019 bill was 35805 units and the previous reading was showing 27763 units hence total 8042 (35805-27763) units were billed for the period of 13 months.
- (v) In the month of September 2019, the same meter reading was received therefore, the Appellant was billed on zero unit. In October 2019, the Appellant's meter

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was replaced. The said meter was sent for testing as per Appellant`s request. The said meter could not be tested as meter terminal found burnt and no pulses were recorded in the meter as per Testing Laboratory Report dated 15.10.2019.

- (vi) During November 2019, the Appellant was billed as per actual meter reading by the new meter for two months by crediting Rs.7760.63 of October 2019 average lock status for 670 units. There is no further issue in the bill.
- (vii) The Respondent itself has read the photos of the meter reading and given the readings as below: -
 - a. Reading on 12.10.2018: 34051 KWH
 - b. Reading on 14.04.2019: 34900 KWH
 - c. Reading on 01.09.2019: 35805 KWH
- (viii) The disputed bill issued to the Appellant for August 2019 was as per meter reading up to 35805 KWH which is correct and as per consumption appeared in the meter. Hence, there is no excessive bill raised to the Appellant.
- (ix) The Appellant filed the grievance in IGRC on 16.11.2019. The IGRC by its order dated 17.01.2020 has rejected the grievance rightly. The Appellant approached the Forum on 17.03.2020. The Forum, by its order dated 15.10.2020 has dismissed the grievance correctly.
- (x) Considering all the above issues, the electricity bill given to the Appellant is correct and the Appellant's complaint should be settled.

5. The Appellant submitted his additional say stating that once again in his self-interest accept the offer of hearing at a very short notice (as in past in last 2 hearings) that too without the copy of say in due course of time. Hearing to be attended on 18.02.2021 vide the email dated 17.02.2021 without any copy of the Respondent`s say in spite of representative of the Appellant going down to the Respondent`s office for discussion on 16.02.2021, requesting them for the same.

6. It is clear that, if the reading of Oct-2018 is 34051 units and July 2018 is 27763 units as claimed by the Respondent is correct then there is no explanation of the Respondent as to how



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within a span of 4 months, total consumption is 6288 units coming to 1572 units per month, particularly, the Appellant is sparingly using power because of his intermittent stay. This is a major concern. The Test Report of the said Meter Testing justifies the request of the Appellant and all findings of photographs, were not taken into consideration by the IGRC and the Forum. Therefore, the bill for the month of August 2019 with initial reading as 27763 units and final reading as 35805 units for 8042 units for 13 months, averages out to 619 units per month appears highly exorbitant. Therefore, the bill needs to be revised accordingly.

7. Due to Covid-19 epidemic, hearing was held on 18.02.2021 on e-platform through video conferencing. The Appellant argued in line with his written submissions. The Appellant is 72 years old senior citizen and most of the time staying with his son at Pune, therefore, the Jalgaon premises is intermittently used for a short period. The Respondent billed as per actual reading up to July 2018 and there were no issues with respect to electricity bills. From August 2018 onwards till July 2019, the Appellant was billed on average basis as the premises was almost locked. Consumption of 6288 units for 4 months from July to October 2018 prima facie appears to be abnormal. It works out to 1572 units per month. This was never recorded in the past. Therefore, the Appellant prays that Respondent be directed to withdraw bill of August 2018 and to give regular bills as per the consumed units of remaining months withdrawing interest and DPC till date.

8. The Respondent, on the other hand, argued that the Appellant has been billed on actual consumption and the actual readings recorded on photos in some months vouch for the operation of the meter until such time. The possibility of meter intermittently working correctly or otherwise is out of question. At the most, due to 'lock status' meter reader might have arbitrarily put some consumption which is comparatively much less. The report of meter testing bears no testimony on the readings that have been recorded and photographed physically. The testing report dated 15.10.2019 mentions that meter terminal is burnt has never been recorded on the earlier occasions when the meter readings were physically taken. Therefore, the Appellant deserves to be billed on what is recorded. The fact cannot be lost sight of that the meter displayed reading of 34051 KWH on 12.10.2018, 34900 KWH on 14.04.2019


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and 35805 KWH on 01.09.2019. Therefore, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

9. Heard the parties and perused the documents on record. The notice of the hearing was sent on 17.02.2021. The Appellant has alleged that hearing was scheduled on a very short notice served to him. It is necessary to clarify here that hearings are inherently scheduled in due consultation with the Appellants and the Respondents. This is not specific to the Appellant in this case, but it is a general practice of this office that there is enormous delay in postal delivery and many a times, email inboxes are not perused by the parties. In the best interest of the parties, this practice has been adopted, though on paper, it appears that a day's notice has been given. If the scheduled date is not suitable, then the parties are free to propose another suitable date which are conveniently accommodated. I am at pains to record here that the Appellant conveniently forgot to mention that he was consulted before scheduling the date and the date was scheduled after he conveyed his consent. It goes without saying that there was no issue from the Respondent side. It needs to be understood that all such hearings during Covid-19 are inherently on e-platform. Had it been the regular physical hearing, this office would have given sufficient time. Even in such cases, this office contacts both the parties telephonically and through SMS. This is all done in the best interest of the parties. Therefore, the Appellant should have taken due care before making such vague allegations.

10. The Forum issued the order on 15.10.2020 and the Appellant filed the representation on 18.01.2021. Thus, there is delay of one month considering 60 days allowed in the Regulations after order of the Forum. The Appellant, in its representation has neither prayed for condonation for delay in submission nor during the hearing argued that the delay be condoned. On the contrary, the Appellant went on detailing all minute issues such as keeping his representative waiting for one hour at the Forum, procedural shortcomings at IGRC, the Forum and this office. However, considering the fact, the Appellant was operated upon for coronary artery by-pass graft on 13.03.2020 at Pune hospital as per the certificate attached by him, delay in filing the representation is condoned on medical ground as a special case.



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11. According to the Appellant, billing was done as per the actual meter reading up to July 2018 and the bills were paid regularly till then. The current reading for August 2019 bill was 35805 units and the previous reading was showing 27763 units hence total 8042 (35805-27763) units were billed for the period of 13 months. The reading for July 2018 is shown as 27763 KWH however for August, September and October 2018 is shown as 'lock'. When the reading on 12.10.2018 is taken, it is found to be 34051 KWH. It means from July 2018 to 12.10.2018, units consumed works out to 6288 units for approximate four months which translates to 1572 units per month. This appears to be abnormal. The abnormality is substantiated by the submission of the Respondent that the meter terminal was found burnt and it was beyond testing. The Respondent argued that the burning of the meter terminal is possible only due to high current / heavy consumption. Hence, consumption appears to be correct.

12. During the hearing, the Respondent was directed that the meter be retested again in the presence of the Appellant /Rrepresentative. As per the Respondent's report, when the meter was opened in presence of the representative, it was noticed that the internal wiring of the meter was also burnt. Hence, the meter was beyond testing.


13. The Appellant's reading and consumption for a considerable period as per CPL is tabulated below: -


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Sample Consumption Chart								
Month	Initial Reading	Final Reading	Cons.	Month	Initial Reading	Final Reading	Cons.	Status
Sep-15	23705	23839	134	Dec-17	27370	27370	52	Lock
Oct-15	23839	24077	238	Jan-18	27370	27370	52	Lock
Nov-15	24077	24280	203	Feb-18	27370	27370	52	Lock
Mar-16	24750	25016	266	Mar-18	27370	27370	52	Lock
Aug-16	25733	25968	235	Apr-18	27370	27370	52	Lock
Oct-16	26138	26242	104	May-18	27370	27370	52	Lock
Nov-16	26242	26299	57	Jun-18	27370	27735	365	
Dec-16	26299	26397	98	Jul-18	27735	27763	28	
Jan-17	26397	26475	78	Aug-18	27763	27763	39	Lock
Feb-17	26475	26513	38	Sep-18	27763	27763	39	Lock
Mar-17	26513	26637	124	Oct-18	27763	27763	39	Lock
Apr-17	26637	26760	123	Nov-18	27763	27763	39	Lock
May-17	26760	26890	130	Dec-18	27763	27763	39	Lock
Jun-17	26890	27138	248	Jan-19	27763	27763	39	Lock
Jul-17	27138	27153	15	Feb-19	27763	27763	39	Lock
Aug-17	27153	27214	61	Mar-19	27763	27763	39	Lock
Sep-17	27214	27244	30	Apr-19	27763	27763	39	Lock
Oct-17	27244	27339	95	May-19	27763	27763	39	Lock
Nov-17	27339	27370	31	Jun-19	27763	27763	39	Lock
				Jul-19	27763	27763	39	Lock
				Aug-19	27763	35805	8042	618.62

From the above table, it could be seen that from October 2016 till November 2017, the highest consumption was in 248 units in June 2017 and lowest consumption was 15 units in July 2017. Then from December 2017 to May 2018, Appellant was billed at 52 units per month due to 'lock' status, which was finally corrected / adjusted in June 2018 by taking actual reading. In July 2018, billing of 28 units was again as per actual reading. It means up to the end of July 2018, there was no issue from either side as far as billing is concerned. However, from August 2018 to July 2019 (12 months), the Appellant was billed at 39 units per month with 'lock' status and in the month of August 2019, actual reading was recorded as 35805 units. Therefore, the Appellant was billed for total consumption of 8042 units at the average of 618.62 units per month for the period from August 2018 to August 2019.


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14. In view of above, it is difficult to digest that such a high consumption of 8042 units for the period from August 2018 to August 2019 is consumed despite the premises being intermittently used. On the other hand, the spot inspection report (No. AE/PHU/Jal/T-446 dated 29.08.2019) of the said premises submitted by the Respondent is signed by one Ms. Bhagyashri Suresh Mokashi on behalf of the Appellant / consumer. This implies that the said premises was being used and power was being drawn and consumed. The fact cannot be neglected that the meter terminal was found burnt and the meter was beyond testing. I do not agree with the argument of the Respondent that burning of the terminal is solely on account of all of a sudden heavy consumption because graph of power use does not suddenly change for the premises, unless special functions / parties, etc. consuming heavy power are performed. However, the Respondent has not attributed this high consumption to such events nor any strong reasons were cited for high consumption. The Respondent did not contest the fact that the premises was sparingly used. On the contrary, it justified the billing of the lock status from August 2018 to July 2019. There is no tendency on the part of the meter to jump to such a high consumption at one point of time and recording the normal consumption at the other instance. This is also clear from the fact that the Respondent itself has submitted the readings on three different dates which are as below: -

- a. Reading on 12.10.2018: 34051 KWH
- b. Reading on 14.04.2019: 34900 KWH
- c. Reading on 01.09.2019: 35805 KWH

Thus, from October 2018 to April 2019 (approx. 6 months), total consumption is 849 units which means 142 units per month. Similarly, from April 2019 to September 2019 (approx. 6 months), total consumption is 905 units which means 151 units per month. Meters, in general, in normal circumstances are not known to behave in erratic manner, oscillating between peak and the trough without any substantial cause.

15. In view of the complexity of the case, coupled with the fact that the meter is beyond testing, I am of the opinion that, it would be most appropriate if the Appellant is billed for the


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period from August 2018 to August 2019 at the rate of highest consumption recorded in the past which is 248 units (June 2017) instead of 618.62 units per month.

16. In view of this, I pass the following order.

- (a) The Respondent is directed to revise the bill of the Appellant taking the consumption of 248 units per month for the period from August 2018 to August 2019 without interest and delayed payment charges levied, if any.
- (b) Refund, if any, shall be adjusted in the ensuing bills of the Appellant.
- (c) Other prayers of the Appellant are rejected.

17. The contention of the Appellant that the Forum's order is a single member order is misplaced as the order is signed by Chairman and the Member Secretary both. This order is modified to the extent as above.

18. In future, the Appellant may take appropriate action as deemed fit, if the premises is very rarely used by him for a pretty long period. Similarly, the Respondent should invariably resort to the provisions of the Regulations for taking meter reading when the premises are found locked.

19. The Respondent is directed to submit compliance within two months from the date of this order.

20. The Representation is disposed of accordingly.

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

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