

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 182 OF 2022

In the matter of defective meter and billing

Shri Mohandas Jiwandas,.....Appellant
(User Smt. Jayashree)

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. R. G. Swami, Addl. Ex. Engineer, Ulhasnagar-II Sub. Dn.

Coram: Vandana Krishna (Retd. IAS)


Date of hearing: 6th February 2023

Date of Order : 13th February 2023

ORDER

This Representation was filed on 30th November 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 23rd November 2022 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

2. The Appellant filed a grievance application initially before the Forum on 07.05.2021. The grievance was registered as Case No. K/E/1779/2210 of 2021-22. The Forum, by its Order dated 09.03.2022 partly allowed the grievance application. The operative part of the order was as below:-


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“2. Licensee is entitled to recover the bill only for 3 months during the faulty meter period as per section 16.4.1 of MERC SOP Regulation 2021 and refund excess paid amount if any.”

3. The Appellant again approached the Forum on 02.11.2022 for non-compliance of the Forum’s order dated 09.03.2022 and for action against the MSEDCL Staff under Section 142 of the Electricity Act, 2003. The grievance was registered on 02.11.2022 as Case No. K/E/083 of 2022-23. The Forum, by its Order dated 23.11.2022 rejected the grievance application in Case No. K/E/083 of 2022-23.

4. Aggrieved by the order of the Forum dated 23.11.2022, 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 single-phase residential consumer (No.021510142052) from 01.08.1964 having sanctioned load of 2.3 KW at Barrack No.11-56 Room No.7, Ulhasnagar.
- (ii) The use of the Appellant is standard and between the range of 100 to 120 units per month. The Appellant was billed with 149 units per month under “Faulty” status for the period of 12 months from Nov. 2020 to Oct. 2021. The Appellant requested to revise the bill as per Regulation 16.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021). The Forum, by its Order dated 09.03.2022 partly allowed the grievance application and directed to revise the bill only for 3 months and to refund the excess paid amount.
- (iii) The Respondent did not comply with this order on time. When the Appellant re-approached the Forum on 02.11.2022 for non-compliance of the Forum’s above order, the Respondent complied with the said order. Thereafter, the Forum, by its Order dated 23.11.2022 rejected the grievance application in Case No. K/E/083 of 2022-23.
- (iv) The Forum failed to refund this amount with interest. The Forum neither granted compensation of Rs. 50,000/- nor penalised the Respondent for wrong billing.
- (v) In view of the above, the Appellant prays that the Respondent be directed
 - a) to refund the excess amount billed for 5547 units (12619-7072) under Faulty Status with interest.



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- b) To penalise the Respondent for not replacing the meter within time.
- c) to pay Rs. 50,000/- compensation for not following Standards of Performance.

5. The Respondent filed its reply by its letter dated 27.01.2023. The Respondent's submission and arguments in brief are as below: -

- (i) The present representation is filed by Smt. Jayshree Aashapilya on behalf of Shri. Mohandas Jivandas (Cons.No. 021510142052) having address at Barrack No.11-56 Room No.7, Ulhasnagar. The Appellant (Smt. Jayshree Aashapilya) has not submitted any copy of registered power of attorney or written authorization letter issued by Shri. Mohandas Jivandas, who is the actual consumer of MSEDCL. The Appellant (Smt. Jayshree Aashapilya) has no locus standi and legal right to file the representation, hence, the representation is not maintainable and may kindly be rejected at the initial stage.
- (ii) The Appellant filed a grievance application originally before the Forum on 07.05.2021. The grievance was registered as Case No. K/E/1779/2210 of 2021-22. The Forum, by its Order dated 09.03.2022 directed the Respondent to revise the bill only for 3 months during the faulty meter period as per Regulation 16.4.1 of Supply Code & SOP Regulations 2021 and directed to refund the excess paid amount if any.
- (iii) Accordingly, the bill was revised, and credit of Rs.9759.74 was given to the consumer in the month of April 2022. The Forum has examined all the documents and evidence, and after careful scrutiny of documents and proper appreciation of evidence, it has passed the order which is fully complied by the Respondent in true letter and spirit. Even then, the Appellant again filed the same grievance with the same cause of action before the Forum vide case no. K/E / 083 of 2022-2023. The Forum again held hearings in this matter and satisfied itself that the bill is properly revised and that the order issued by the Forum on 09.03.2022 is fully complied by MSEDCL. The Forum issued the second order with the same set of facts and for the same cause of action on 23.11.2022.
- (iv) The original order was issued by the Forum on 09.03.2022, and the present representation was filed by the Appellant before the Hon'ble Ombudsman on 28.11.2022 after a lapse / huge delay of 10 months, hence the representation is time barred and may kindly be dismissed on the ground of inordinate delay.


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(v) The Respondent strongly objects to the appearance of Mr. Jagansingh R. Rajput in the present case. In a large number of cases, Mr. Jagansingh R. Rajput is appearing on behalf of various consumers as their representative, and in every case, he submits an undertaking that he is a Friend or Relative of the consumer, which is not possible. Nor has Mr. Jagansinh R. Rajput submitted any deed or agreement showing that he is a business partner of the above consumer. Mr. Rajput cannot be a partner or friend or relative of every consumer. The appearance of Mr. Rajput in every case shows that he is getting remuneration from consumers for filing cases in bulk quantity before the grievance redressal mechanism. **As per Regulation 8.10 (a) any representative can appear in any individual case;** however, the appearance of Mr. Rajput in every case is not justified as per law. The Respondent hereby submits its strong objection to the appearance of Mr. Jagansinh R. Rajput in the present case.

(vi) The Respondent referred to the relevant Regulation 8.10 and 8.11 of CGRF & EO Regulations 2020 which are reproduced as below:-

“8.10 A Complainant, Distribution Licensee or any other person who is a party to any proceedings before the Forum may either

appear in person or authorize any representative other than an Advocate (within the meaning of the Advocates Act, 1961), to present his case before the Forum and to do all or any of the acts for the purpose, subject to production of duly authenticated authorization made by the party in favour of such representative, and subject to the condition that he, -

(a) is appearing on an individual case basis;


(b) has a pre-existing relationship with the Complainant (such as: a relative, neighbour, business associate or personal friend);

(c) is not receiving any form of, direct or indirect, remuneration for appearing before the Forum and files a written declaration to that effect;

(d) Demonstrates to the Forum that he is competent to represent the party.

8.11) The Forum may within its discretion disallow any representative to appear before it in any case, for reasons to be recorded in writing, on account of breach of the terms of the undertaking or misconduct or failure in providing proper assistance to the Forum.”

(vii) On perusal of all the case papers and applications, it is seen that signatures of the consumer on various applications differ from each other; this looks suspicious. Whether the consumer or somebody else signed the applications is to be investigated, and a notice may kindly be issued to the actual consumer of the Respondent as per its records to appear in person for hearings.


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- (viii) The Respondent prays that the representation filed by the Appellant be rejected, and as a deterrent precedent and as a preventive measure, heavy costs may be imposed on the consumer representative for filing false and frivolous cases before the Hon'ble Ombudsman, and that too without any authorization of the actual consumer of the Respondent, and for wasting the prestigious time of this Hon'ble Ombudsman.

Details of the Case:-


- (ix) The Appellant was billed with RNT status with an average of only 91 units for the period April 2020 to June 2020 i.e., during the lockdown period. In the month of July-2020, the actual meter reading of 12171 KWH was taken with total consumption of 717 units for the 4 months of April to July 2020. A Credit of Rs.1546/- was given to the consumer in the bill of July 2020. The Appellant was billed with "Normal" status for the Period from July 2020 to Oct. 2020. The Meter (Sr. No. 01013605 of Genus make) showed 12619 KWH reading with no progression from the month of Nov. 2020 to Oct.2021 which is not possible. Assistant Engineer, Ulhasnagar Section-2 has given a spot inspection report dated 30.03.2021 with a reading of 7072 KWH and remark as "Meter reverse". The Appellant was thus, billed with "Faulty" status, with an average of 149 units per month. The Appellant's meter was replaced by a new meter (Sr. No. 05519760 of Genus make) on 14.10.2021 and he was billed with normal status from Nov.2021 onwards. The details of the billing are tabulated as below:-

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Month	Previous Reading (KWh)	Current Reading (KWh)	Units	Status	Remarks	Month	Previous Reading (KWh)	Current Reading (KWh)	Units	Status
Apr-20	11454	11454	91	R.N.T.		Nov-21	0	362	362	Normal
May-20	11454	11454	91	R.N.T.		Dec-21	362	624	262	Normal
Jun-20	11454	11454	91	R.N.T.		Jan-22	624	826	202	Normal
Jul-20	11454	12171	717	Normal	billed for 4 mths	Feb-22	826	1028	202	Normal
Aug-20	12171	12338	167	Normal		Mar-22	1028	1294	266	Normal
Sep-20	12338	12469	131	Normal		Apr-22	1294	1617	323	Normal
Oct-20	12469	12619	150	Normal		May-22	1617	2004	387	Normal
Nov-20	12619	12619	149	Faulty	bill revised for three months only and credit of Rs.9759.74 was given in bill of April.2022	Jun-22	2004	2464	460	Normal
Dec-20	12619	12619	149	Faulty		Jul-22	2464	2792	328	Normal
Jan-21	12619	12619	149	Faulty		Aug-22	2792	3059	267	Normal
Feb-21	12619	12619	149	Faulty		Sep-22	3059	3364	305	Normal
Mar-21	12619	12619	149	Faulty		Oct-22	3364	3617	253	Normal
Apr-21	12619	12619	149	Faulty		Nov-22	3617	3884	267	Normal
May-21	12619	12619	149	Faulty		Dec-22	3884	4087	203	Normal
Jun-21	12619	12619	149	Faulty		Jan-23	4087	4304	217	Normal
Jul-21	12619	12619	149	Faulty		Avg. per month(Nov. 2021 to Jan. 2023)			287	
Aug-21	12619	12619	149	Faulty						
Sep-21	12619	12619	149	Faulty						
Oct-21	12619	12619	149	Faulty						

- (x) The Forum gave directives during the first hearing to test the meter from the manufacturer company. Hence the meter No-06501013605 was sent to M/s Genus Power Infrastructure Ltd. Company for testing. As per the report received from M/s Genus Company, that meter had become **defective due to internal Component failure.** Meter display was faulty, and data could not be downloaded from the meter, hence the meter had become faulty.
- (xi) The Forum by its order dated 09.03.2022 directed to revise the bill only for 3 months and to withdraw the remaining bills of the faulty status period, and credit be passed on to consumer. Accordingly, the Appellant has been given credit of Rs.9759.74/- in the bill of April.2022.
- (xii) The Appellant again approached the Forum on 02.11.2022 for non-compliance of the Forum's order dated 09.03.2022 and action against the MSEDCL Staff under Section 142 of


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the Act. The Forum, by its Order dated 23.11.2022 has rightly rejected the grievance application. **After replacement of the faulty meter with a new meter in the month of Nov 2021, the monthly consumption of the Appellant is in the range of 200 to 460 units per month.**

Analysis and Ruling

6. Heard the parties. Perused the documents on record. During the hearing, the Appellant argued in line with its written submission. The Appellant was billed with “Faulty” status with an average of 149 units per month from the month of Nov. 2020 to Oct.2021. The Appellant’s meter was replaced by a new meter (Sr. No. 05519760 of Genus make) on 14.10.2021, and he was billed with normal status from Nov.2021 onwards. Assistant Engineer, Ulhasnagar Section-2 has given a spot inspection report dated 30.03.2021 with a reading of 7072 KWH and remark as “Meter reverse”. The Forum by its order dated 09.03.2022 directed to revise the bill only for 3 months and to withdraw the remaining bills for the faulty status period, and credit be passed on to the consumer. Accordingly, the Appellant has been given credit of Rs.9759.74 in the bill of April 2022. The calculation of bill revision is on record. Hence, no grievance sustains at present. The consumption pattern after the replacement of the meter is also seen to be on the higher side, i.e., 200 to 460 units per month.

7. The Appellant, on the one hand, claims that the meter was faulty, and thus he should be billed only for 3 months, and on the other hand, claims refund of the excess amount billed for 5547 (12619-7072) units based on the reverse reading of 7072 units of the faulty meter. This is not tenable.

8. The Respondent contended that the present representation was filed by Smt. Jayshree Aashapilya apparently on behalf of the Consumer-Shri. Mohandas Jivandas. The Appellant (Smt. Jayshree Aashapilya) has no locus standi and legal right to file the present representation. However, on perusing the documents, it is observed that the Appellant is “User & Occupier” and Daughter in Law of the consumer.


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9. There is substance in the Respondent's contention that the Forum had already issued an order in the complainant's favour, restricting the bill on the faulty meter to 3 months, yet the Appellant has been repeatedly raising the same grievance before the Forum and again with the Electricity Ombudsman.

10. The Respondent's complaint against the Appellant's representative, Jagansinh Rajput regarding filing bulk cases is noted. There is substance in the Respondent's argument which is captured in para 5 (v) above. Despite the Forum's order in its favour, the Appellant has unnecessarily filed this representation without any specific reason, leading to unnecessary waste of administrative time and resources, seemingly on the advice of her representative.

11. In view of above, the instant Representation is disposed of with costs of Rs.1000/- imposed on the Appellant, to be paid to the office of the Electricity Ombudsman (Mumbai).

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

