

# BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 26 of 2021

In the matter of billing

Shyambahadur Rammanohar Yadav (User) ..... Appellant  
[Late Shri Rammanohar K. Yadav (Consumer)]

V/s.

Brihanmumbai Electric Supply & Transport Undertaking [CC(G/N)] ..... Respondent

Appearances:

For Appellant : Shyambahadur Rammanohar Yadav

For Respondent: Sudesh Tambe, Superintendent CC(G/N)

**Coram: Mr. Deepak Lad**


Date of hearing: 6<sup>th</sup> May 2021

Date of Order : 19<sup>th</sup> May 2021

## ORDER

This Representation is filed on 10<sup>th</sup> March 2021 and Registered on 31<sup>st</sup> March 2021 after receipts of deposit, under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations 2006) against the order dated 18<sup>th</sup> December 2020 passed by the Consumer Grievance Redressal Forum, BEST Undertaking (the Forum).

2. The Forum, by its order dated 03.11.2020 has dismissed the grievance No. N-GN-413-2020.

  
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3. Aggrieved by the order of the Forum, the Appellant filed this representation stating in brief as below: -

- (i) The connection is in the name of Late Rammanohar K. Yadav (Consumer A/c No.623-269-001) for flour mill purpose at 3, Ground Floor, Plot-286, Swatantrya Veer Savarkar Marg, Catering College, Dadar(west), Mumbai – 400 028. The Appellant (User) is son of Late Rammanohar K. Yadav and a legal heir. The change of name in record is yet not done due to internal dispute of Landlord and Developer.
- (ii) The Appellant (User) has received high bill of Rs. 6,280/- in the month of July 2020, even though there was least use of electricity during the pandemic lockdown period. He has paid electricity bills regularly up to June 2020.
- (iii) Hence, the Appellant filed the complaint in Annexure C on 09.09.2020 with the Internal Grievance Redressal Cell (IGRC) for high bill of July 2020 during lock down period. However, The IGRC by its letter dated 24.09.2020 has rejected the complaint. The Appellant has approached the Forum on 28.10.2020. The Forum, by its order dated 18.12.2020 has dismissed the grievance without analysing basic root cause.
- (iv) There was SMS alerts from the Respondent about application of new tariff from June 2020(?).
- (v) Therefore, it is prayed that the high bill be revised and new tariff be applied from June 2020.


4. The Respondent BEST Undertaking has filed its reply dated 23.04.2021 stating as under: -

- (i) The Appellant (Shyambahadur Rammanohar Yadav - User) is an industrial consumer (A/c No.623-269-001) in the name of Late Rammanohar K. Yadav for flour mill purpose at 3, Ground Floor, Plot-286, Swatantrya Veer Savarkar Marg, Catering College, Dadar (West), Mumbai – 400 028.
- (ii) The Appellant (User) is son of Late Rammanohar K. Yadav and his legal heir. The change of name in record is yet not done due to internal dispute of Landlord and Developer.

  
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- (iii) The Appellant has filed the grievance for High Bill of Rs.6,280/- received by him in the month of July 2020.
- (iv) There are two Meters i.e., Meter No. U167701 having LT II A Commercial Tariff for lighting purpose and Meter No. N115962 having LT III A Industrial Tariff for flour mill purpose in the said premises.
- (v) The average consumption recorded by Meter No. U167701 prior to Covid-19 was around 76 units per month and Meter No. N115962 was around 406 units per month as per the consumption pattern.
- (vi) The owner of the flour mill, Rammanohar K. Yadav expired on 05.10.1998 however, his legal heir has not approached the Respondent for change of name till date.
- (vii) In order to restrict the spread of Covid -19, the Government of Maharashtra (GoM) issued order on 18.03.2020 prohibiting movements of the people. Subsequently, it issued notification on 20.03.2020 vide which all workplaces, excluding essential services and public transport, in Mumbai Metropolitan Region, Pune, Pimpri-Chinchwad and Nagpur are ordered to be closed until 31.03.2020. The lockdown was further extended to the whole of Maharashtra up to May 2020 for control of Covid-19 Epidemic.
- (viii) During the situation of Covid – 19 Pandemic, consumer was billed on estimated consumption from 09.04.2020 to 09.06.2020 as 81, 8, 8 units of Meter No. U167701 and as 459, 46, 46 units of Meter No. N115962 per month for corresponding April, May and June 2020, as per Practice Direction of the Commission.
- (ix) The meter reading activity has been restored from July 2020. Accordingly physical meter reading was recorded from July 2020.
- (x) Meter No. U167701 and Meter No. N115962 were physically read from July 2020, the bill of Rs.6,280/- for both the meters was sent to the consumer.
- (xi) The Appellant was billed on estimated average consumption as per Regulation 15.3.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations 2005).

  
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- (xii) The Commission has issued “Practice Direction” on 09.05.2020 for clarification relating to billing of Consumer during the lockdown of Covid – 19.
- (xiii) The Consumer, Rammanohar K. Yadav is having two meters viz. Meter No. U167701 existing for LT II A Tariff, Commercial Tariff and Meter No. N115962 existing for LT III A Tariff, Industrial Tariff, for his premises. The Appellant was billed on estimated basis during the Covid – 19 Pandemic as per Practice Directions issued by the Commission.
- (xiv) The Appellant’s representative visited the G/North ward office, Dadar and the officers of the Respondent explained the case thoroughly to him. He disagreed for the use of electric supply during the pandemic period and therefore, has disputed for non-use of electric supply during that period.
- (xv) The Appellant has filed complaint in Annexure ‘C’ with IGRC on 09.09.2020 stating that the average taken for usage of supply during the Covid-19 pandemic was not acceptable to him and has mentioned the high bill complaint during the month of July 2020. The IGRC, by its letter dated 24.09.2020 has rejected the complaint by giving self-explanatory reply.
- (xvi) The Appellant approached the Forum on 28.10.2020 stating that the Respondent cannot increase the rate of tariff as prior notice has not been given to him and also for high bill of July 2020. The Forum, by its order dated 03.11.2020 has rightly dismissed the grievance. There are no billing disputes as such, and action of the Respondent is totally in line with the Tariff Order of the Commission.
- (xvii) Prayer:
- (a) As the grievance has already been redressed and it is not a high bill case, accordingly, it is requested that, the Appellant may be directed to pay outstanding amount.
- (b) The Respondent further prays that the representation of the Appellant be rejected.

5. The hearing was held on 06.05.2021 on e-platform through video conferencing due to the Covid-19 epidemic.

  
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6. During the hearing, the Appellant argued in line with his written submission. He further argued that the Respondent did not take meter reading for April, May & June 2020 due to lockdown. However, it is not understood as to how the Respondent issued high bill for July 2020. The meter was very much accessible, and the Respondent could have taken reading very easily as all meters in the building are installed at one place. The Respondent misquoted Regulation 15.3.1 of the Supply Code Regulations 2005. The Appellant has paid actual bill amount in every month excluding the disputed amount which is added in the bill of July 2020. He further argued that the Respondent cannot increase the tariff from 01.04.2020 and the Press Note which is alleged to have been issued by the Respondent is fabricated. The Forum`s hearing was match fixing and does not analyse the basic issue. There was no use of flour mill due to lockdown and hence the reading shown is fabricated. There was SMS alerts from the Respondent about application of new tariff from June 2020. Therefore, it is prayed that the high bill be revised without any interest and delayed payment charges (DPC), and new tariff be applied from June 2020.

7. The Respondent argued that due to the lockdown pursuant to Covid-19 epidemic, the Commission issued Practice Direction dated 09.05.2020 by virtue of which the Appellant being Industrial, and Commercial consumer, was billed at 10% of average energy consumption which was applied across the board to similar categories of consumers. Therefore, the billing of both the meters is in accordance with the directives of the Commission. Secondly, tariff has been revised by the Commission through its order dated 30.03.2020 in Case No. 324 of 2019 which has been made effective from 01.04.2020. The Press Note has been issued pursuant to the order of the Commission for the knowledge of all categories of the consumers of the Respondent. Therefore, allegation made by the Appellant that the Respondent cannot increase tariff from 1<sup>st</sup> April 2020 is highly misplaced and out of sheer lack of knowledge. The case needs to be rejected as nothing remains to be resolved.

### **Analysis and Ruling**

8. Heard the parties and perused the documents on record. On-going through the records submitted by the Respondent, the meter reading details are tabulated as below:

  
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Tariff Category		LT III A Industrial (Flour mill)			LT II A Commercial (Flour mill lighting)			
Meter Details		Meter Sr.No. N115962			Meter Sr.No. U167701			
Month	Date of Reading	Meter Reading (Kwh)	Units billed (Kwh)	Reading Status (RNT - Reading Not Taken due to Lockdown)	Date of Reading	Meter Reading (Kwh)	Units billed (Kwh)	Reading Status (RNT - Reading Not Taken due to Lockdown)
Feb-20	06.02.2020	19785	429	Actual	06.02.2020	2228	52	Actual
Mar-20	09.03.2020	20244	459	Actual	09.03.2020	2309	81	Actual
<b>Apr-20</b>	<b>09.04.2020</b>	<b>20703</b>	<b>459</b>	<b>RNT</b>	<b>09.04.2020</b>	<b>2390</b>	<b>81</b>	<b>RNT</b>
<b>May-20</b>	<b>12.05.2020</b>	<b>20749</b>	<b>46</b>	<b>RNT</b>	<b>12.05.2020</b>	<b>2398</b>	<b>8</b>	<b>RNT</b>
<b>Jun-20</b>	<b>09.06.2020</b>	<b>20795</b>	<b>46</b>	<b>RNT</b>	<b>09.06.2020</b>	<b>2406</b>	<b>8</b>	<b>RNT</b>
Jul-20	08.07.2020	21303	508	Actual	08.07.2020	2612	206	Actual
Aug-20	05.08.2020	21448	145	Actual	05.08.2020	2679	67	Actual
<b>Note: Billing of May &amp; June 2020 is 10% of consumption of April 2020 as per the Commission's order</b>								

On perusing the above table, I observed that the Respondent has issued the bill for the month of May and June 2020 at 10% of consumption recorded in the month of March 2020. Practice Direction of the Commission also spelt out billing as per Supply Code Regulations which authorises the distribution licensee to bill the consumers on estimated consumption in absence of meter reading. In the instant case, the Respondent has probably assumed 459 units (flour mill) and 81 units (flour mill lighting) as the assessed consumption which in fact is actually recorded in the month of March 2020. The relevant portion of the Practice Direction of the Commission is reproduced below: -

“a. ....

b. *Energy bills would be prepared on actual basis if Automatic Meter Reading (AMR) is in place. Otherwise, it would be average bill calculated as per Supply Code Regulations which then will be adjusted subsequently once actual meter reading is available. In normal circumstances, no holding cost is paid, or interest is recovered from consumers for higher or lower assessment. However, considering lockdown situations on account of COVID-19, for excessive recovery from Industrial and Commercial consumers, on account of possibility of higher assessment for a month, only a token amount based on 10 % of the average energy consumption would be billed to premises under Lockdown. A holding charge @ rate of one month MCLR of SBI applicable on date of billing) would be payable by utilities to the consumers on the excess money recovered. Similarly, carrying cost would be levied on consumers if the average bill as above works out to be less than the actual bill. Consumers can voluntarily pay any amount over and above the assessed bill to avoid payment of carrying cost. (emphasis added)*

  
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- c. *Delayed Payment Charges on the unpaid amount would be reduced to 50 % if the recovery is 80% and above of the bill amount. If the bill amount based on actual energy consumption works out to be less than the billed amount raised based on average consumption, then DPC amount needs to be recomputed based on actual bill amount and any excess paid DPC shall be refunded with holding charge at rate mentioned in para 'b' above."*

The Respondent has not clarified regarding implementation of provision under para 'c' above, therefore, the Respondent is directed to examine the billing of the Appellant as far as para 'c' is concerned and revise the bill, if necessary.


9. Respondent has billed the Appellant for 46 units in the month of May and June 2020 which is 10% of 459 units consumption in the month of April 2020. While doing so, the Respondent has added 46 units in the final reading of May 2020, and again 46 units in the final reading of June 2020. This resulted into billing the Appellant with 508 units consumption for July 2020 which is as per actual reading. Alternatively, it means that the Appellant has been billed for total consumption of (459+46+46+508) 1059 units for April to July 2020 which is 4 months. It works out to 265 units per month. Billing of the Appellant is based on the actual reading recorded in the meter, therefore, there is no question of any revision in the bill except as explained above and that too, if necessary.

10. I am of the view that the Appellant has not appreciated the facts of the case, the billing system and tariff revision by the Commission. Had he understood the facts, he would not have raised any issue. Filing the Representation by the Appellant is merely due to not appreciating the factual position. Therefore, the Appellant should have thought twice before levelling serious allegations.

11. In view of the above, the representation is disposed of accordingly.

12. The secretariat of this office is directed to refund the amount of Rs. 3000/- deposited by the Appellant to the Respondent for adjusting it against the Appellant's ensuing bill.

Sd/  
(Deepak Lad)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

