

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 7 OF 2021

In the matter of billing

Vishal Singh – User.....Appellant
(Shivbacchan V. Yadav – Original Consumer)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Vasai..... Respondent

Appearances: -

Appellant : Vasant K. Vaze, Representative

Respondent :1. G. K. Gadekar, Executive Engineer, Vasai
2. A.S. Mirza, Addl. Executive Engineer, Vasai Road (E) Sub. Dn.

Coram: Deepak Lad


Date of hearing: 7th April 2021

Date of Order: 15th April 2021

ORDER

This Representation is filed on 9th February 2021 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 17th August 2020 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan Zone (the Forum).


2. The Forum, by its order dated 17.08.2020 has rejected the grievance application No. 2025 of 2019-20.


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

- (i) The Appellant is an industrial consumer (No.001943847645) from 27.01.2017 at S.No.218, Opp. Talao, Vanathepada, Pelhar, Vasai (E), Dist.Palghar. At present, the Appellant runs a water purifier plant.
- (ii) The Appellant was billed with actual meter readings up to January 2019. The consumption of 1737 (38474-36737) units was recorded in January 2019.
- (iii) The Appellant was billed with zero consumption from February 2019 to November 2019 (10 months). The bills during these 10 months were issued showing current and past reading as 38474 KWh which means that the said meter was not recording and was faulty.
- (iv) When this was brought to the notice of the Respondent, the faulty meter was replaced by new meter in the first week of November 2019. The Respondent did not hand over the copy of meter replacement report to the Appellant.
- (v) The bill for December 2019 was issued showing the new meter number with consumption as 1 unit and 18126 units as adjustment against old faulty meter.
- (vi) The Respondent issued a bill of Rs.1,35,460/- of 18127 (18126+1) units' consumption for the period of 10 months towards defective meter. The Appellant has paid Rs.50,000/- on 20.12.2020 to avoid disconnection.
- (vii) It is the case of defective meter. The Appellant is to be billed only for three months, based on the average metered consumption for twelve months of healthy period as per Regulation 15.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 (Supply Code Regulations 2005). However, the Respondent has billed for 10 months (instead of 3 months) violating the provision of the Regulation 15.4.1.
- (viii) The Appellant has complained to the Respondent on 17.12.2019 and 20.12.2019 for exorbitant bill, and requested to test the meter but no action/cognizance was taken by the Respondent.


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- (ix) The Appellant filed the grievance in Internal Grievance Redressal Cell (IGRC) on 27.12.2019. The IGRC, by its order dated 25.02.2020 has rejected the grievance of the Appellant stating that the recovery levied is in order. It is to note that the Respondent has made commitment that the 18126 units were charged against the recovery for last 10 months as noted in the said IGRC order.
- (x) The Appellant then approached the Forum on 03.03.2020 with the prayer that the bill be revised to 3 months' consumption only which was issued for 10 months' consumption. Before the Forum, the Respondent changed their stand and stated that the bill issued to the consumer was as per final reading recorded by the meter only. The Forum, by its order dated 17.08.2020 has rejected the grievance. The Forum failed to understand the basic issue of defective meter. The Forum relied on the record of the Respondent which is fabricated record.
- (xi) Despite this, the Appellant states his arguments as below:
- (a) After receipt of the disputed bill of December 2019, the Appellant has challenged the meter for testing immediately before Sub-Division as well as Section Office of the Respondent. The Respondent did not test the meter. This amounts to keeping the consumer deprived of his legitimate rights.
- (b) In the copy of replacement register, the reason for replacement is stated as burnt. If it is so, as to how the final reading was taken and also slot wise reading.
- (c) The details of the meter replacement written in meter replacement register were fabricated documents, even the copy of the replacement register is also fabricated one and not real photocopy of the register. This was overlooked by the Forum though it had been brought to its notice.
- (d) It is hard to believe as to how the old meter was of capacity 10/40A as against the load of 5 HP.
- (e) Why the same reading was taken for 10 consecutive months, if the meter was showing progressive reading as per the Respondent?
- (xii) In view of the above facts and circumstances, the Appellant prays to revise the bill to 3 months as per Regulation 15.4.1 of Supply Code Regulations 2005.



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(xiii) The Forum's order is dated 17.08.2020 but it was neither sent to the Appellant nor uploaded on the website till 21.01.2021 i.e. the date of enquiry by the Appellant with the Forum. Therefore, the Appellant prays that the delay in submission of representation may be condoned considering these facts and lockdown situation due to Covid- 19 epidemic.

4. The Respondent filed its reply by its letter dated 26.03.2021 stating in brief as under:

- (i) The Appellant is an industrial consumer (No.001943847645) from 27.01.2017 with sanctioned Load of 5 HP at S.No.218, Opp. Talao, Vanathepada, Pelhar, Vasai (E), Dist. Palghar.
- (ii) The Respondent pointed out that the Forum has passed the order on 17.08.2020 and the Appellant has filed the representation on 09.02.2021 which is filed beyond 60 days from the date of the order of the Forum. Hence, the filing of the Representation is time barred and is liable to be rejected as per the CGRF Regulations 2006.
- (iii) The Respondent has billed the Appellant as per actual meter readings up to the month of January 2019. The consumption of 1737 (38474-36737) units was recorded in January 2019.
- (iv) The Respondent has billed the Appellant with zero consumption for the period from February 2019 to November 2019, i.e. for 10 months. The Appellant did not inform that it was under billed wrongly. The premises has been given on rent to Vishal Singh (the Appellant) by Shivbacchan Yadav who is the original consumer. It was never intimated to the Respondent.
- (v) The terminal of the meter was found to be burnt. The demand notice of the burnt meter was issued to the Appellant. The Appellant paid the same on 12.10.2019. The meter was replaced by new meter on 05.11.2019. The final reading of the meter was available as 56600 KWh. At the time of replacement, the old meter's unbilled 18126 (56600-38474) units was taken on record where the Appellant was billed with zero consumption for the period February 2019 to November


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2019 which is actual consumption of electricity. The accumulated consumption of 18126 units as per final reading dated 05.11.2019 was billed additionally towards adjustment in the bill of December 2019.

- (vi) The Appellant was billed as per actual meter reading of new meter for January 2020 and February 2020. The new meter has recorded consumption of 7845 (7846 -1) units for three months from December 2019 to February 2020. The average consumption arises to 2615 units per month. The Respondent has taken check reading of 3132 KWh on 17.12.2019 to ascertain the functioning of the new meter. Appellant's demand was also observed on meter as 9.46 KVA while taking check reading. It clearly indicates that the Appellant is using excess load to the tune of twice of sanctioned load of 5 HP.
- (vii) The meter was replaced due to burning of contacts on the meter terminal. The consumption pattern before and after replacement coincide with 10 months accumulated consumption. The meter could not be tested due to burning of meter terminals on the meter. The Regulation 15.4.1 is not applicable in this case as meter was working till the replacement of the meter.
- (viii) In view of the above, the Respondent prays that the Representation of the Appellant be rejected.

5. The hearing was conducted on 08.04.2021 on e-platform through Video Conferencing due to Covid-19 epidemic after consent from both the parties.

6. The Appellant argued at length and reiterated the main issues in its written submission. The Appellant further argued that the defective meter was not tested even if the Appellant requested to test the meter on 17.12.2019 and 20.12.2019. The Respondent has taken different stand in the hearing of IGRC and in the hearing of the Forum for assessment of the consumption for 10 months from February 2019 to November 2019 which indicates there is fabrication in the information. The Respondent is not transparent as regard to replacement report. The documents of meter replacement report and copy of the register is fabricated and cannot be accepted as it was unilaterally made. It is the case of defective meter. The Appellant is to be


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billed only for three months, based on the average metered consumption for twelve months of healthy period. The Respondent has billed for 10 months (instead of 3 months) violating the provision of the Regulation 15.4.1. In view of the above facts and circumstances, the Appellant prays to revise the bill to 3 months as per Regulation 15.4.1 of Supply Code Regulations 2005.

7. The Respondent argued at length and recapped its written submission. The Respondent argued that the readings of the industrial consumers are taken by meter reading agencies contracted by the Respondent. The Respondent admitted the mistakes for not taking proper readings of the Appellant and it was billed with zero consumption from February 2019 to November 2019 even though the water purifying plant was running. The terminal of the meter was found to be burnt. The meter was replaced by new meter on 05.11.2019. The final reading of the meter was available as 56600 KWH along with slot readings which is actual consumption recorded of electricity consumed by the Appellant from February 2019 to November 2019. The working of the plant is not denied by the Appellant. It was never intimated to the Respondent that the premises was given on rent. All record of the Respondent is transparent and not fabricated as Respondent is Government Undertaking Company and duty bound to put actual record.

During inspection in December 2019, the demand was recorded as 9.46 KVA which is excess load to the tune of twice of sanctioned load of 5 HP. At present, the meter is not available for testing as it was not stored in good condition. The consumption pattern of the Appellant during disputed period coincides with past and present consumption pattern. The Regulation 15.4.1 is not applicable in this case as meter was working till the replacement of the meter. The Respondent prays that the Representation of the Appellant be rejected.

8. During the hearing, when the undersigned asked the Respondent as to whether the meter could be tested, it informed that the meter has been sent to store as scrap. On this, the undersigned directed the Respondent to submit the record on or before 12.04.2021 with respect to the procedure for scrapping and the relevant record as to when it has sent all previous scrapped meters to store and necessary entries thereto.


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Analysis and Ruling

9. Heard the parties and perused the documents on record. The delay in submission the Representation is condoned considering Covid- 19 epidemic. The Respondent failed to submit relevant record as directed during the hearing. When enquired with the Respondent on 15.04.2021, the concerned official informed that majority of the officers are tested Covid positive, and it is not even possible to send the information for at least one month.

10. The Appellant is industrial consumer (No.001943847645) with sanctioned Load of 5 HP having activity of water purifier plant. I noted the following important points in this case: -

- (a) The Appellant was billed with zero consumption from February 2019 to November 2019 i.e. for 10 months.
- (b) The Appellant appears to have increased the load unauthorizedly from sanctioned load of 5 HP to 9.46 KVA (recorded) which was detected on 17.12.2019 during inspection by the Respondent.
- (c) Though the Appellant received zero consumption bills continuously for 10 months, it did not lodge any complaint with the Respondent for the same. Subsequently, the meter terminal was found burnt.
- (d) Average consumption for various periods is as follows: -
 - From June 2018 to January 2019 (prior to February 2019) is 1409 units per month for the healthy period.
 - From February 2019 to November 2019, (alleged faulty period) is 1813 units per month.
 - From 05.11.2019 to 17.12.2019 (date of inspection), consumption recorded is 3135 units for 42 days which approximately works out to 2239 units per month.

11. The Appellant has not taken a stand that it was his lean or total shutdown period during February 2019 to November 2019. He was having full knowledge that it was being billed with zero consumption from February 2019 to November 2019, despite working of his factory.


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However, he failed to point it out to the Respondent. This has clear cut nexus with the Appellant increasing the load unauthorizedly without any intimation to the Respondent for obvious reasons. There is nothing on record from the Appellant side that the meter was faulty from February 2019 nor the argument to that effect was advanced by the Appellant. I therefore do not agree with the claim of the Appellant to provide him relief under Regulation 15.4.1 of the Supply Code Regulations 2005. In addition, it is important to note that the Respondent has made submission that the said meter was working and recording the consumption, however, the meter reading agency defaulted on taking proper readings which resulted in under billing to the Appellant and thereby consumption got accumulated for the alleged faulty period.

The said meter was replaced on 05.11.2019 due to burning of the meter terminals and the final reading of the meter was recorded as 56600 KWh. The accumulated consumption of 18126 units was therefore billed in the month of December 2019.

12. The Appellant contended that the defective meter was not tested despite the request of the Appellant to test it. This request was made by the Appellant on 17.12.2019 and 20.12.2019. This prompt action on the part of the Appellant to test the meter immediately after the meter was replaced in November 2019 would have been more appropriate had he lodged a similar complaint when he was being billed at zero consumption from February 2019 itself. This casts doubt on the intentions of the Appellant. It is further alleged by the Appellant that the documents of meter replacement report and copy of the register maintained therefore, is fabricated, and cannot be accepted as it was unilaterally made.

13. I observed that the Forum has perused the documents and recorded its findings in its order dated 17.08.2020. The relevant portion of the Forum's order is quoted below:

“Reasoning :

.....
From the record kept on record it is clear that, Respondent Utility has issued zero consumption bill for the period of Feb-2019 to Nov-2019. Respondent Utility contends that, during the period meter was working and recording the reading. The said meter replaced on 05/11/2019, while replacement of meter final reading was recorded and it was '56600'Kwh. Consumer Representative contends that, the meter was faulty and bill to be


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revised as per regulation 15.4.1 and bill for three months to be charged only. During the e-hearing we asked Respondent Utility to produce copy of meter replacement register. We have gone through the copy of meter replacement register; we observed that, there is no over-writing in the register. Meter final reading is written as '56600'. Slot wise readings are also recorded in the register, difference of '18126' units is also mentioned in register. M.D KVA, KVAH reading and KVAH reading is also recorded in the register. Reason for meter replacement is written as 'Burnt'. We don't find any suspicious entry in the records. In our opinion the final reading recorded in the register is correct and we cannot doubt the same. From CPL consumer consumption prior to meter reading dispute i.e. Jan-2018 to Jan-2019 was '1409' units/month. Average consumption after reading problem i.e. Dec-2019 to Feb-2020 is '2615' units/month. Average consumption during the dispute period is '1812' units/month, which is matching with the consumer consumption trend. Hence meter has recorded correct reading and we cannot treat the meter as defective. Consumer never complained about the minimum bill issued to him even though he was using the supply and now want to take benefit of the regulation 15.4.1. During the hearing we instructed Respondent Utility to test the meter in laboratory but Respondent Utility submitted that, meter could not be tested because the meter terminal is burnt and there is water inside the meter."

14. In view of the above discussion, and reasoned & speaking order of the Forum, I am convinced that the Forum has taken appropriate call on all the issues and therefore, there is no need to interfere with it.

15. The Representation is therefore rejected and disposed of accordingly.

16. While parting with the order, I would like to point out that the Respondent may take suitable action as deemed fit for unauthorized extension of load by the Appellant. It may also check various similar other installations where meter readers have recorded zero consumption intentionally with ulterior motive, so as to leave room for consumers to take plea of faulty meter by tampering it at the end of the substantial period. This has been my observation and it appears to be a standard modus operandi of many high value consumers. This may not be construed as having cast upon any aspirations on the Appellant in this case.

Sd/-
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