

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 210 OF 2019

In the matter of billing

Gulabrao Devrao Athavale.....Appellant

V/s.

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

Appearance

For Appellant : Sanjay G. Athavale, Representative

For Respondent : D. D. Dhurve, Dy. Executive Engineer

Coram: Deepak Lad

Date of Order: 6th February 2020

ORDER

This Representation is filed on 8th November 2019 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated 11th September 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Kalyan


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



Zone (the Forum). This representation is registered on 28th November 2019 after receipt of deposit amount as per Regulation 17.9 (f) of the CGRF Regulations.

2. The Forum, by its order dated 11.09.2019 has allowed the grievance application in Case No. 136/1932 of 2019-20. The operative order is as below:-

“2. The Distribution Licensee to revise the bill for November 2016 to February 2019 as explained in para No. 5.”

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

- (i) The Appellant is a residential consumer (No. 020063080633) at H.No. 586, S.No. 36/3, Pachwa Mile, Varap, Kalyan.
- (ii) The Appellant has not been billed properly for almost more than five years since March 2013. The meter was read on 13.10.2018 and the kwh reading was 15180 for which the bill of Rs.112956.26 was issued by the Respondent in the month of October 2018. This bill was prohibitively high.
- (iii) When the meter was removed and sent for testing, it is found that the testing report confirmed the meter to be 84% slow.
- (iv) The supply of the Appellant was disconnected without any notice for non-payment of this incorrect bill. The Appellant was in dark for almost one week.
- (v) The Appellant filed the grievance application with Internal Grievance Redressal Cell (IGRC) and then with the Forum. The Forum issued an Interim order dated 14.08.2019, which directed the Appellant to pay Rs.20000/- to get the supply restored. The Appellant paid Rs.20000/- got the supply restored. The bill of the Appellant was revised about Rs.80000/- initially.
- (vi) The Forum, by its order dated 11.09.2019 directed the Respondent to revise the bill considering the average consumption of 270 units per month for the period of November 2016 to October 2018 as recorded at para 5 of the Forum's order.
- (vii) This assessment of 270 units per months is on higher side and the Appellant should be billed at 220 units per month and further the Respondent should be held responsible for mental agony the Appellant suffered in the entire issue.


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4. The Respondent filed reply by its letter dated 16.01.2020 stating in brief as below:-
- (i) The Appellant is a residential consumer (No. 020063080633) from 16.07.2002 at H.No. 586, S.No. 36/3, Pachwa Mile, Varap, Kalyan.
 - (ii) When the connection was initially released on 16.07.2002, Meter having No. 8022711 was installed. However, the same was replaced in March 2013 by Meter No.789232. The meter replacement information was fed into the system belatedly in July 2015.
 - (iii) The reading of the meter was not taken for the period April 2013 to October 2018 as the meter was inside the premises. However, the bill of October 2018 was generated for 39 months for 15179 units.
 - (iv) The site inspection of the premises was carried on 17.12.2018. The connected load of the Appellant was found 2.061 KW. The meter was sent for testing in testing unit. The meter was tested on 13.12.2018 in presence of the Appellant. During testing, the meter was found abnormally slow.
 - (v) The accumulated bill of October 2018 was revised in March 2019 by giving slab benefit of 67 months. The credit of Rs.42138.56 was given in the bill of February 2019. In addition, Rs.2562.56 was also credited towards refund of interest and DPC.
 - (vi) The Appellant approached the Forum on 09.08.2019. The Forum has issued Interim Order for part payment of Rs.20000/- and directed to reconnect the supply. The Appellant paid Rs.20000/- and the supply was reconnected.
 - (vii) The Forum, by its order dated 11.09.2019 has allowed the grievance application directing the distribution licensee to revise the bill for November 2016 to October 2018 considering the average of 270 units per month. Accordingly, the bill of the Appellant is revised to Rs.34550/-. Out of this, the Appellant has already paid Rs.20000/- and hence the balance amount of Rs.14550/- yet to be paid.
 - (viii) Therefore, the Respondent prayed that the representation of the Appellant be rejected as the grievance has been resolved.


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5. The first hearing was held on 09.01.2020 during which the Respondent was absent due to the emergency work in the field. However, the Appellant explained his case in absence of the Respondent. It was informed to the Appellant that he may choose to be present at the time of next hearing which would be scheduled to hear the Respondent side. In pursuance of this, the second hearing was scheduled on 28.01.2020 during which both the parties were present.

6. The Appellant and the Respondent argued in line with their written submissions. The Appellant again opted to argue in presence of the Respondent. He argued that the Forum has taken the average of 270 units per month which is on higher side. On the contrary, consumption of the Appellant is not so much, as the connected load is not what is shown in the testing report as 2.06 KW. The average consumption be considered as 220 units per month and requested to revise the bill accordingly. The Respondent be penalized for disconnection without notice and keeping the Appellant in dark without any fault. The Appellant pointed out that the Respondent has also disconnected his three-phase connection of his workshop. The three-phase connection is not in arrears and the issue under the present representation cannot be linked up with the other three phase connection of the Appellant. The three-phase connection of the Appellant which has been disconnected without any reason should be connected immediately without taking reconnection charge. The Respondent however, admitted that the Appellant has not been billed properly for more than five years. However, as per the order of the Forum, the bill has been revised accordingly and issued to the Appellant. The Appellant of late is using Solar Generation to supply its premises in addition to Respondent's supply. The issue of three phase meter will be sorted out shortly. As the grievance is resolved the Representation of the Appellant be rejected.

Analysis and Ruling

7. Heard both the parties and perused the documents on record. It is an admitted position that there is no dispute from either side with respect to consumption from the date of connection i.e. 16.07.2002 till March 2013. However, dispute started from April 2013 and continued till October 2018 during which the meter was not read properly, and the Appellant was therefore not correctly billed. The consumption during April 2013 to October 2018 is 15179 units. It is subsequently revealed that the meter was 84% slow. It is difficult to know as to when the meter


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has exactly gone slow. Both the parties have not thrown light on this issue. So, assuming consumption of 15179 units to be correct which is for 67 months, per month consumption works out to 227 (15179 / 67) units per month. It was the sole responsibility of the Respondent to have taken reading properly and maintained the healthiness of the meter. The Appellant cannot be faulted for this.

8. In view of the above, I am of the considered view that the Appellant needs to be billed at 227 units per month and accordingly Forum's order is modified to that extent. The Respondent is therefore directed to revise the bill accordingly.

9. The Secretariat of this office is directed to refund an amount of Rs.7500/- deposited by the Appellant immediately.

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


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

