BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission

under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 21 OF 2020

In the matter of billing

Jitendra Chandrakant Gandhi………..……………………………………. ……Appellant

V/s.

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

Appearances

For Appellant : 1. Sanjay Shivaji Gandhi

2. Aditi Sanjay Gandhi

For Respondent : 1. Richard Rozario,Dy. Ex. Engineer,Devrukh

2. Akshay Jadhav, LDC

**Coram: Deepak Lad**

Date of Order: - 30thApril,2020

ORDER

This Representation is filed on 10thFebruary 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the Order dated26thDecember 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL Ratnagiri Zone (the Forum).

1. The Forum, by its order dated 26.12.2019 has partly allowed the Grievance Application No. 19/2019of the Appellant. The Forum directed that the Appellant has to pay bill of Rs.2,49,490/- of 18028 units used during the period from April 2019 to August 2019 and the bill to be paid in five monthly instalments from January 2020 to May 2020 without Interest and Delayed Payment Charges (DPC).
2. Aggrieved by the order of the Forum, the Appellant has filed this Representation stating in brief as below: -
3. The Appellant is a commercial consumer (No. 223070020784) at Sakharpa, Tal-Sangameshwar, Dist-Ratnagiri. The Appellant is in hotel business since May 2018.
4. The Appellant was billed with 69/60 units per month with faulty meter status. This was intimated to the Section Office of the Respondent; however, it was informed that the bills are correct. The Appellant paid all the bills regularly.
5. The Respondent, Flying Squad has inspected the hotel premises on 21.08.2019. During inspection, it was informed to the Appellant that it has to pay proposed bill of 18028 units which was recorded on the meter (No. 03523475) which was onsite.
6. The Respondent issued a supplementary bill of Rs.2,41,410/- for the accumulated units of 180283 units on 27.08.2019 which was protested by the Appellant through his letter dated 03.09.2019. The Respondent by its letter 11.09.2019 directed the Appellant to pay the supplementary bill with 5 equal instalments or otherwise threatened for disconnection.
7. The Appellant, by his letter dated 23.09.2019 requested to solve the grievance and revise the supplementary bill as per Regulation15.4.1 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code &Other Conditions of Supply) Regulations 2005 (the Supply Code Regulations). However, there was no proper response from the Respondent.
8. The Appellant filed its grievance in the Internal Grievance Redressal Cell (IGRC) on 03.10.2019. However, due to threat of disconnection, the Appellant approached the Forum on 22.10.2019 for interim relief against disconnection notice. The Forum, by its Interim Order dated 08.11.2019 has directed to pay Rs.7,025/- and stayed disconnection notice. The Appellant paid Rs.7025/- on 19.11.2019.
9. The Forum, by its final order dated 26.12.2019 has directed the Appellant to pay bill of Rs.2,49,490/- of 18028 units used during the period from April 2019 to August 2019 and the bill be paid in five monthly instalments from January 2020 to May 2020.
10. The Forum failed to understand that
11. The meter was faulty in status in the bills for the period April 2019 to August 2019. The meter was not tested in third party testing laboratory.
12. The Respondent did not produce meter reading photo for the period April 2019 to August 2019.
13. The average consumption of newly installed meter (No. 7603754846) never reached average of 120(3600/30) units per day after replacement of the disputed meter. The average of disputed meter comes to about 3600 units per month.
14. The average billing of 60 units per month with faulty status has not been considered as factual position.
15. Daily use of 120(=3600/30) units per day for disputed period does not commensurate with the load connected of the Appellant.
16. The Respondent, Flying Squad found the connected load of 7.376 KW. Considering the use of the Hotel premises, the assessed consumption comes to 54 units per day, i.e. 1620 units per month. The monthly consumption recorded on new meter also found 1452, 1742 and 1688 units from November 2019, December 2019 and January 2020 respectively.
17. In view of the above, the Appellant prays that the Respondent be directed
18. To withdraw the supplementary bill of Rs 2,41,410/- and to assess 1700 units per month as per consumption recorded on new meter for the period April 2019 to August 2019.
19. To withdraw the interest and delayed payment charges (DPC) levied in the bills till date due to non-payment of arrears under dispute.
20. To grant 5 equal instalments to pay the revised bill.
21. The Respondent filed its reply by letter dated 05.03.2020 stating in brief as below: -
22. The Appellant is a commercial consumer (No. 223070020784) from 11.05.2013 at Sakharpa, Tal-Sangameshwar, Dist-Ratnagiri. The Appellant is in business of hotel since May 2018.
23. The meter (No.6503295245) was defective from January 2018. The meter was not replaced due to shortage of meter. The meter (No.6503295245) was replaced by new meter (No.03523475) on 29.03.2019.
24. The Consumer`s Personal Ledger (CPL),shows that the meter replacement entry of the new meter (No.03523475)has been taken in Computerized Billing System, however, the faulty status remained as it was, by oversight.
25. The Respondent, Flying Squad, has carried out spot inspection of the hotel premises on 21.08.2019. During inspection, it was observed that the meter (No.03523475) of the Appellant was in working condition with reading 18028 KWH, however, it was billed with faulty status with average of 60 units per month.
26. Accordingly, the Respondent served a supplementary bill of Rs. 2,41,410/- for accumulated consumption of18023 (=18028-00005) units on 27.08.2019.Then, the Appellant has requested to test the meter in Testing Laboratory. Hence, the meter (No.7603523475) was replaced by another meter (No.7603754846) on 04.09.2019 for testing purpose.
27. The meter (No.7603523475) was tested in presence of the Appellant on 09.09.2019. The test result of the meter is found in order. The Appellant protested high bill. Hence, the Respondent informed bill details vide its letter dated 11.09.2019 that the meter was found in order during testing and the reading was accumulate done and offered him to pay the supplementary bill within 5 monthly installments. It was also informed, that the supply will be disconnected if payment was not done as per schedule.
28. The Appellant filed its grievance in the Internal Grievance Redressal Cell (IGRC) on 03.10.2019.Meanwhile, the Appellant approached the Forum on 22.10.2019 for interim relief against disconnection notice. The Forum, by its Interim Order dated 08.11.2019 has directed to pay Rs. 7,025/-.The Appellant paid Rs.7025/- on 19.11.2019.
29. The Forum, by its final order dated 26.12.2019 has directed the Appellant to pay bill of Rs.2,49,490/- of 18028 units in five monthly instalments from January 2020 to May 2020.The Forum has rightly decided the grievance.
30. The sanctioned load of the Appellant is 2.34 KW, however, the connected load was found about 11.44 KW. The Appellant has not applied for load extension.
31. The supplementary bill is based on actual consumption of electricity. Hence, the logic of the Appellant for billing of 1700 units per month for the period from April 2019 to August 2019 is not acceptable.
32. The Appellant has not demanded for testing the meter in National Accreditation Board of Testing and Calibration Laboratory (NABL).
33. The Appellant did not pay any installment as per the order of the Forum till date.
34. In view of the above, the Respondent prays that the Representation of the Appellant be rejected.
35. During the hearing on 17.03.2020, the Appellant and the Respondent argued in line with their written submissions. The Appellant argued that the Respondent billed the Appellant on faulty status and hence, the accumulated reading of 18228 KWH of the meter (No.7603523475) is not acceptable. The average recording of the same meter is not commensurate with the connected load of 7.376 KW shown in inspection report of the Flying Squad, and working hours of the hotel.The newly installed meter (No.7603754846) on 04.09.2019 shows consumption pattern of about 1700 units per month at present. Hence, the Appellant prays that the Respondent be directed to withdraw the supplementary bill of Rs 2,41,410/- along with interest and DPC, and to revise the bill considering consumption of 1700 units per month as per consumption recorded on new meter for the period April 2019 to August 2019 to grant 10 equal instalments to pay the revised bill.
36. The Respondent argued during the hearing that the Appellant was billed with faulty status with average consumption of 60 units per month from January 2018 to March 2019, however the hotel has started functioning from May 2018.It was considered under-billing for that period.The Appellant has extended connected load without any sanction and not regularized till date.The accuracy of the said meter is found in order during testing.There is human error in keeping the status of the meter faulty in the system even though the meter was recording correctly on the site. The supplementary bill is based on actual consumption of electricity. Hence, the reasoning of the Appellant for billing of 1700 units per month for the period from April 2019 to August 2019 is not acceptable. The Appellant did not pay any installment as per the order of the Forum till date.The grievance of the Appellant is already resolved.

**Analysis and Ruling**

1. Heard the parties. I perused the documents on record.The Appellant is in business of hotel since May 2018.The earlier meter (No.6503295245) was defective from January 2018 which was replaced by new meter (No.7603523475) on 29.03.2019. It was not properly fed to Computerized Billing System; hence the faulty status remained as it was in billing system. During inspection on 21.08.2019, it was observed that the meter (No.7603523475) was in working condition with reading 18028 KWH, however, it was billed with faulty status with average of 60 units per month. The Respondent served a supplementary bill of Rs. 2,41,410/- for accumulated consumption of 180283 units on 27.08.2019. The meter (No.7603523475) was tested on 09.09.2019. The test result of the meter is found in order. It is noted that the Appellant is requesting for charging him at the rate of 1700 units per month for the said period, the logic being that after replacement of meter No.7603523475 with new one having No.7603754846, recorded consumption pattern of 1700 units per month. It is also important to note that the Appellant has increased the load without proper sanction of the Respondent , however, the Respondent has not taken action.
2. It is also noted that nothing has been said about billing by both the parties about meter (No.6503295245) which was defective from January 2018 and which was replaced by the meter (No.7603523475) on 29.03.2019. Hence, I have no reason to delve into it.

The dispute is only about billing by meter No. 7603523475 which is also found in order during testing. Meter as such being ‘faulty’, and the status on the bill as ‘faulty’ are two different things. The Meter No .7603523475being in order, the case falls in the domain of accumulated reading and consumption. Hence, the Respondent billed the Appellant as per actual consumption recorded in the meter.

1. The Appellant should have acted as per the order of the Forum while the same is challenged by preferring the instant Representation to the undersigned but it has not even paid any installment.
2. The order of the Forum is reasoned and speaking one however, some revisions as envisaged below is done by me.
3. In view of the above discussions, the Respondent is directed as under: -
   * + 1. DPC and interest on supplementary bill if any shall be withdrawn.
       2. To allow the Appellant to pay this amount in 10 monthly instalments along with current bill. In case of default, the interest, DPC shall be levied.
       3. Other prayers of the Appellant are rejected.
4. Compliance to be submitted within two months from the date of issue of this order.
5. The Forum’s order is therefore revised to the above extent. The Representation is disposed of accordingly.
6. The secretariat of this office is directed to refund the amount of Rs.25000/- to the Appellant immediately.

Sd/

(Deepak Lad)

Electricity Ombudsman (Mumbai)