

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 81 OF 2021

In the matter of excess billing

IndusInd Bank Limited (User) Appellant
Jayadatta Shivaji Upase (Owner - Consumer)

V/s.

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

Appearances:

Appellant : 1. Hitesh Bhatt, Zonal Manager, IndusInd Bank
2. Arijit Saha, DVP
3. Rutvit Salunkhe, DVP
4. Ritu Chopra, Regional Manager

Respondent : 1. M.B. Thakare, Executive Engineer, Rajgurunagar Division
2. M.H. Muluk, Asstt. Engineer
3. N.R. Unde, Asstt. Accountant


Coram: Mr. Deepak Lad

Date of hearing: 16th December 2021

Date of Order : 24th February 2022

ORDER

This Representation is filed on 29th November 2021 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF Regulations 2020) against the Order dated 1st October 2021 passed by the Consumer Grievance Redressal Forum, MSEDCL, Pune Zone (the Forum).



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2. The Forum, by its order dated 01.10.2021 has finally dismissed the grievance application in Case No.07 of 2021.

3. Aggrieved by the order of the Forum, the Appellant has filed the instant representation which is stated in brief as below: -

- (i) The Appellant is a Commercial Consumer (No.176024963374) from 04.09.2015 having Sanctioned Load (SL) of 30 KW and Contract Demand (CD) of 30 KVA at Shop No. G1, G15 & G16, Gat No. 1209, Chakan Sai Corporate, Tal. Khed, Dist. Pune. The Appellant is a scheduled commercial bank.
- (ii) The Appellant was regular in payment of electricity bills, and therefore, it was in utter shock to receive an electricity bill for 99686 units of Rs.16,65,910/- for the month of May 2020. The Appellant complained vide letter dated 29.07.2020 to revise the excess bill. It also further questioned the Respondent about its wilful act to change and replace the electric meter on 17.10.2019 without the knowledge and consent of the Appellant. The Appellant, by its letter dated 12.08.2020 requested to test the meter on priority. The average monthly consumption since the date of inception till the replacement of meter is approx.1750 units, however, after the installation of new meter, the average monthly consumption comes approx.to 9700 units. The Appellant received an electricity bill of Rs.22,54,420/- for the month of January 2021 including arrears for the month of May 2020 to December 2020.
- (iii) The Appellant, vide its letter dated 28.09.2020, informed the Respondent the readings of the electric meter for the period from 02.09.2020 to 05.09.2020, which shows excessive units and requested to remove the new electric meter installed by it and place the old electric meter which was functioning properly. The Appellant, vide its letter dated 30.09.2020 once again requested the Respondent to look into the issue of excess / huge monthly billing amount received by the Appellant. The Appellant further questioned as to why the monthly bills of June 2020, July 2020 and August 2020 reflects consumption after closing hours i.e. after 07:30 p.m. as well as on each Thursday despite there being power cut and further informed that the Branch is closed on 2nd and 4th Saturday of each month and each Sunday of the


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month although the monthly bills shows consumption on those days. The reading taken is tabulated as below:

Date	Time	Readings	Usage of Units	Date	Time	Readings	Usage of Units
02/09/2020	10:08:00 AM	139327	0	16/09/2020	10:04:00 AM	139709	51
02/09/2020	5:23:00 PM	139353	26	17/09/2020	10:33:00 AM	139748	39
03/09/2020	11:25:00 AM	139377	24	21/09/2020	10:28:00 AM	139768	20
04/09/2020	11:47:00 AM	139423	46	22/09/2020	9:53:00 AM	139834	66
05/09/2020	4:30:00 AM	139423	0	23/09/2020	12:31:00 PM	139888	54
07/09/2020	11:05:00 AM	139428	5	24/09/2020	10:50:00 AM	139930	42
08/09/2020	9:35:00 AM	139429	1	25/09/2020	9:52:00 AM	139970	40
09/09/2020	9:50:00 AM	139480	51	28/09/2020	10:12:00 AM	140010	40
10/09/2020	9:50:00 AM	139503	23	28/09/2020	6:15:00 PM	140032	22
11/09/2020	9:41:00 AM	139537	34	29/09/2020	9:33:00 AM	140077	45
11/09/2020	6:06:00 PM	139573	36	29/09/2020	6:00:00 PM	140096	19
14/09/2020	9:58:00 AM	139604	31	30/09/2020	9:28:00 AM	140119	23
15/09/2020	10:15:00 AM	139658	54	30/09/2020	6:08:00 PM	140153	34

- (iv) The Appellant specifically questioned the reasons for the aforesaid consumption. The Appellant also mentioned the gadgets installed in the Branch since its inception in the year 2015 which is tabulated below:

Sr. No.	Item Name	Qty
1	Krykard Servo Stabiliser 35 KVA Model With Charging	1
2	Daikin 1.8tr 5star AC	4
3	Daikin 1.0tr 5star AC	4
4	Wincore Pc280 Atm with Vg	1
5	Numeric Ups-7.5 KVA	1


- (v) The Appellant, in continuation of the aforementioned letter dated 30.09.2020 addressed another letter dated 31.10.2020 to the Respondent and also submitted a copy of the electricity bill for the month of September 2020 and requested the Respondent to recheck and confirm on the amount charged on the usage. The Appellant further informed that the total electricity consumption for the month of


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September 2020 is only 915 units, and amount of bill is Rs.38,727.25 and hence, the Appellant questioned the electricity consumption of units being shown in excess for the month of May 2020 to August 2020 in spite of the fact that all the equipment during the above stated period of May 2020 to August 2020 and the month of September 2020 remains the same.


- (vi) The Respondent, in spite of multiple letters addressed to it, neglected, and did not respond to a single letter of the Appellant. The Appellant, therefore, addressed another letter dated 26.11.2020 to the Respondent in continuation of its above stated letter dated 31.10.2020 and again requested to recheck and confirm on the amount charged in previous bills, although the bill for the month of September 2020 and October 2020 showed Rs. 38,727.25 and 26,856.20 respectively.
- (vii) The Appellant, after receipt of the reply dated 12.01.2021 from the Respondent partly paid an amount of Rs.8,13,390/- under protest. The Respondent disconnected the electricity supply on 15.03.2021. It is pertinent to mention here that the Respondent is aware that the Appellant is providing banking services to its customers and in order to conclude the banking transaction online, the electricity supply is necessary. Due to sudden disconnection of power supply, the Appellant suffered with huge monetary loss and entitled for the monetary compensation from the Respondent.
- (viii) The Appellant therefore filed its grievance before the Forum on 17.03.2021 (Case No. 07/2021) requesting that the excess bill be revised on the basis of average consumption and the payment of Rs.8,13,390/- made under protest be adjusted in the revised bill.
- (ix) The Forum by its Interim Order dated 17.03.2021 directed to pay 50% of the disputed bill of January 2021 amounting to Rs.22,02,250/- which is for the period from May 2020 to December 2020. The 50% of the disputed amount is Rs.11,01,275/-. The Forum directed the Appellant to pay Rs.1 lakh within next three days along with reconnection charges and current bill. Thereafter, the Respondent to restore the supply immediately after payment of above charges. The balance amount of Rs.2 lakhs will be recovered within next two instalments along


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with current bill. Accordingly, the Appellant made the payments, and Respondent reconnected the supply immediately.

- (x) The Appellant had paid testing charges of Rs.880/- on 17.08.2021 and accordingly, the Respondent conducted testing of the meter but refused to take internal inspection of the premises.
- (xi) The Forum, by its order dated 01.10.2021 has finally dismissed the grievance application.
- (xii) The Forum has passed a blanket order without assigning any reasons as follows:
- The Forum failed to consider that the electricity bills for the month of June, July and August 2020 reflected consumption after closing of branch at 07:30 P.M.
 - The Forum failed to consider that the difference between the units consumed during the period from June 2020, July 2020, and August 2020 and during the previous years, i.e., 2017-18, 2018-19, 2019-2020 for the similar equipment is five times higher.
 - The Forum failed to consider that the increase in the electricity bill is continuous after installation of new electric meter.
 - The Forum ought to have considered that even if it is accepted that the reading of the new installed meter and data reflected in CPL only in the month of May 2020, the same ought not to have been reflected in a similar manner in the electricity bills for the period thereafter.
 - The Forum ought to have considered that the act of the Respondent to disconnect the electricity without prior notice to the Appellant is unlawful.
 - The Forum failed to appreciate that the Appellant is a bank and providing day to day banking services to its customers and hence failed to appreciate that without giving any prior notice for disconnection of the power supply to which its customers failed to conclude day to day banking transactions with the Bank.
 - The Forum further failed to consider the huge monetary loss caused due to sudden disconnection of electricity supply to the Appellant.


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- The Forum ought to have considered that if a bonafide dispute is raised and deposit under protest is made, the supply of electricity is very much necessary for the day to day functioning of the bank.
- The Forum failed to consider that the Respondent has issued bills as per average reading for more than twice and erratic readings are given continuously thereafter. The said readings are recorded without actually reading the meters.
- The Forum ought to have considered that the reading of new installed meter and data reflected in CPL only in the month of May 2020 after five months cannot be considered as reliable.
- The Forum failed to consider that the replacement of meter and readings from the meter after expiry of considerable time for billing purpose does not adhere to parameters.
- The Forum failed to consider that the replacement of meter and readings from the meter after expiry of considerable time for billing purpose is not within the stipulated norms.
- The Forum failed to consider that the new installed meter was not sent to statutorily empowered Electrical Inspector, to decide whether the meter is faulty.
- The Forum ought to have considered that the Respondent did not provide reason for delay in disclosing that the new installed meter reading and data reflected in CPL only in the month of May 2020.

(xiii) The Appellants therefore prays that revised electricity bill be issued to the Appellant after adjusting the payment made under protest.


(xiv) The Appellant shall claim appropriate compensation for losses to be incurred due to sudden disconnection of services thereby affecting services of the Appellant to its customers.

4. The Respondent vide its letter dated 09.12.2021 has stated as below in brief: -


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- (i) The Appellant is a three phase Commercial Consumer (No.176024963374) from 04.09.2015 having SL of 30 KW and CD of 30 KVA at Shop No. G1, G15 & G16, Gat No.1209, Chakan Sai Corporate, Tal. Khed, Dist. Pune. The premises having the said connection are given to IndusInd Bank Ltd. on rental basis. The Appellant is a scheduled commercial bank.
- (ii) The old meter No.00358986 of HPL Make, (Reading 91488.9 kWh) of the Appellant was replaced by new meter No. X 1149448 of Secure Make, (Initial Reading 0 kWh) in the month of December 2019 during Mass Meter Replacement Drive for AMR Compatibility as per directions of Head Office.
- (iii) There was delay in feeding of meter replacement data in the System due to bulk replacement of meters drive. The meter replacement was reflected in the System on 27.4.2020.
- (iv) The Appellant was billed on average basis with 500 units per month from December 2019 to February 2020. Further, it was billed 215 and 0 unit/s in March and April 2020 respectively. Then was billed for accumulated units 99686 (99686-0) for Rs.14,44,465/- in May 2020.
- (v) The Appellant filed its complaint of excess billing in August 2020. The Respondent has revised the bill as per actual readings and credit of average bills were given.
- (vi) The Appellant has requested to test the new meter. The Appellant paid the testing charges of Rs. 880/- on 17.08.2021. The meter was tested and found in order.
- (vii) The Appellant requested the Assistant Engineer of the Respondent to verify if there is any internal problem, however, it was difficult to check the internal issues and hence, was not checked.
- (viii) As per the inspection report, the connected load was found 26.68 KVA. The Respondent put on record the MRI data and billing history sheet. Hence, the Appellant was using nearly 26.68 KVA load up to August 2020 which was recorded in the meter. The Appellant again reduced its consumption from September 2020 considerably. There was no fault of the Respondent, and the Appellant is billed as per its actual consumption. Hence, there is no necessity of bill revision. The Appellant paid part amount time to time.


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- (ix) The Respondent issued disconnection notice towards outstanding dues. The supply of the Appellant was disconnected.
- (x) The Appellant filed grievance application with the Forum on 17.03.2021 and requested to restore the supply.
- (xi) The Forum, by its Interim Order, directed to pay 50% of the then disputed bill of Rs. 22,02,550/-. After payment of 50% outstanding amount as per direction of the Forum, the supply of the Appellant was reconnected on 24.03.2021.
- (xii) The Forum by its final order has rejected the grievance rightly, hence the present Representation be rejected.

5. The physical hearing was held at the Forum's Office at Pune on 16.12.2021. The Appellant informed that the Respondent replaced the meter on 17.10.2019, intimation of which was not given to it. It received a huge bill of Rs.16,65,910/- for 99686 units in the month of May 2020. However, since the Respondent had disconnected the electricity supply, the Appellant approached the Forum on 17.03.2021 for restoration of supply. The Forum, by its Interim order dated 22.03.2021 has directed the Appellant to pay 50% i.e., Rs.11,01,275/- against the outstanding bill of Rs.22,02,550/-, and accordingly, the same was paid under protest. Thus, by April 2021, the Appellant, in total, has paid Rs.12,18,147/-. The Appellant has also submitted that it has total 4 to 5 banking staff working at the premises. Total 9 ACs are installed, out of which 2 ACs are for server room and out of balance 7 ACs, only 4 ACs are run. The Branch is closed on 2nd and 4th Saturday of each month and each Sunday of the month. It never received such a huge bill prior to meter replacement. The Respondent did not inform about the meter replacement, nor did it explain the reasons for issue of such a huge bill. The Appellant also argued that when the new meter was installed, the Respondent did not show them the initial reading on this meter, therefore, it has doubt whether initial kWh reading was really 01 or not. The Appellant during the hearing argued that it is not interested in litigation. It has already paid Rs.11,01,275/- as per the Order of the Forum, and its only request is to settle the case by not demanding the balance amount of Rs.11,00,000/-. However, the Respondent did not come forward to settle the issue this way.



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6. The Respondent contended that as new meter for AMR compatibility was to be installed, the old meter was replaced on 17.10.2019. However, updating meter replacement data in the billing system was delayed by few months. This resulted in average billing for about 8 months. The new meter installed was having initial kWh reading as 01. The Appellant is billed for 99686 units in the month of May 2020 with 17 KVA MD. The Respondent, however, informed that when it disconnected the stabiliser and capacitor at the premises, the meter started functioning properly, and consumption recorded was also comparatively less. The meter was tested with Accucheck on the spot as per the complaint of the Appellant. It was found in order, and hence did not test it in its testing laboratory. The data submitted by the Respondent shows that it has recorded highest 29.34 KVA MD demand on 27.12.2019.

Analysis and Ruling

7. Heard the parties and perused the documents on record. It is seen that the Appellant was regular in payment of electricity bills, and therefore, it was in utter shock to receive an electricity bill for 99686 units of Rs.16,65,910/- for the month of May 2020 and hence, it requested to revise the excess bill. It also took objection on the Respondent's action to replace the electric meter (Secure make X 1149448) on 17.10.2019 without giving any prior information to it. The Appellant also pointed out that the average monthly consumption from September 2018 to August 2019, prior to the replacement of meter, was in the range of 1791 units. However, after the installation of the impugned meter (Secure make X 1149448), the consumption from 17.10.2019 to end of May 2020 is shown as 99686 units. Then the meter recorded consumption of 14543, 15421, and 9606 units for the month of June, July, and August 2020 respectively which comes to 39570 (14543+15421+9606) units. Thus, for 11 months i.e., from October 2019 to August 2020, the meter has recorded total consumption of (99686 + 39570) 139256 units averaging out to 12660 units per month which is almost 7 folds of 1791 units, the previous average. This is without any additional load being installed. This period covers all seasons.


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8. During the hearing, the Respondent was directed to send the meter to the Manufacturer as the same was within guarantee period. The Interim Order to that effect was issued on 17.12.2021. The directions in the said Order are as follows:

- (a) *The Respondent is directed to remove the existing meter in presence of the Appellant and send it to the Manufacturer along with the MRI data and relevant history, post and prior to meter replacement, with usage of load at the premises.*
- (b) *The Respondent is also directed to inform the manufacturer about the date of meter installed and the final reading taken by it which resulted in issue of huge billing to the Appellant.*
- (c) *The meter to be sealed in presence of the Appellant, and to be dispatched to the Manufacturer with a request to send its analysis within one month. Respondent and the Appellant to act accordingly.*
- (d) *Respondent not to collect any charges from the Appellant towards this entire exercise.*
- (e) *The Respondent is directed not to disconnect the Appellant till final disposal of the instant Representation.*
- (f) *The Appellant to continue to pay the current bill.*

Pursuant to these directives, the Respondent sent the meter to the Manufacturer for testing and its opinion. The Manufacturer, in its email communication dated 18.02.2022, to the Respondent, stated that the meter is tested on 12.02.2022, and its errors are in permissible limit with the further remark, that “*During Meter Testing at our end, Accuracy of Meter found within limit*”.

9. Since the meter is found in order on testing by the Manufacturer, there is no reason to cast any doubt on the working of the meter. The Respondent’s responsibility is up to outgoing points of the meter and from thereon, the responsibility of installation per se is of the consumer. The meter has shown the consumption, may be high, but it is as a result of power drawn by the installation of the consumer. It inter alia means that the Appellant has consumed the energy from the system for its installation. A snapshot of few instances showing the consumption pattern from November 2019 to June 2020 is shown in the following table.



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Meter No. X 1149448 of Secure Make installed on 17.10.2019						
Few Samples	Months	Data as per MDAS System of the Respondent				Differential Consumption for the period between two dates as per Col.2
		KW	kWh reading (rounded)	kVA recorded	kVAh reading (rounded)	
1	2	3	4	5	6	7
Samples of Nov 2019	01.11.2019	26.18	7756	26.2	7757	
	05.11.2019	25.78	10405	25.78	10406	2649
	07.11.2019	25.78	11084	25.78	11085	679
	09.11.2019	25.78	12348	25.78	12349	1264
	10.11.2019	25.78	12756	25.78	12757	408
Samples of Dec 2019	01.12.2019	25.78	23514	25.78	23515	10758
	04.12.2019	24.88	24778	24.9	24779	1264
	26.12.2019	29.36	34769	29.34	34770	9991
	29.12.2019	29.36	36186	29.34	36187	1417
	31.12.2019	29.36	37628	29.34	37629	1442
Samples of Jan 2020	01.01.2020	29.36	37845	29.34	37846	217
	02.01.2020	25	38791	25	38792	946
	30.01.2020	26.3	50699	26.3	50700	11908
Samples of Feb 2020	01.02.2020	26.3	51503	26.3	51504	804
	05.02.2020	25.6	53850	25.6	53851	2347
	23.02.2020	26.16	63784	26.16	63785	9934
	25.02.2020	27.36	64965	27.36	64966	1181
Samples of Mar 2020	01.03.2020	27.36	67721	27.36	67722	2756
	07.03.2020	25.9	71100	25.9	71101	3379
	25.03.2020	26.28	81383	26.28	81384	10283
	29.03.2020	26.28	83383	26.28	83384	2000
Samples of Apr 2020	01.04.2020	26.28	84387	26.28	84388	1004
	05.04.2020	25.26	85712	25.26	85713	1325
	25.04.2020	25.4	89239	25.4	89240	3527
Samples of May 2020	01.05.2020	25.4	89239	25.4	89240	0
	24.05.2020	26.1	95536	26.1	95537	6297
	28.05.2020	26.1	97691	26.1	97692	2155
Samples of June 2020	01.06.2020	26.1	99686	26.1	99687	1995
	04.06.2020	25.44	100306	25.46	100307	620
	06.06.2020	25.44	101289	25.46	101290	983

From the above table, it is seen that the consumption recorded and shown in Column No.7 is the difference between two successive dates shown in Column No.2. For sample purpose, let us take the example of

- 05.11.2019 to 07.11.2019 consumption is 679 units
- 04.12.2019 to 26.12.2019 consumption is 9991 units
- 01.01.2020 to 02.01.2020 consumption is 946 units
- 23.02.2020 to 25.02.2020 consumption is 1181 units
- 25.03.2020 to 29.03.2020 consumption is 2000 units
- 01.04.2020 to 05.04.2020 consumption is 1325 units


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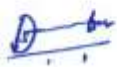


Some of the days in the above sample may be a holiday for the Bank. This clearly establishes that there was something somewhere wrong in the installation. Inter alia, it means some gadgets of the Appellant may not be working properly and consuming more energy. The Respondent cannot be held responsible for it. It has been brought on record by the Respondent that the Appellant requested the Inspecting Officer of the Respondent to check the installation about its healthiness which it rightly refused. This has been observed by the Forum also in its order. The Respondent does not have any locus standi with respect to checking the healthiness of various electrical gadgets of the Appellant. To keep the installation in order is the duty of the Appellant. For example, if an air conditioner is electrically healthy, it may draw a standard designed power and if the same becomes electrically faulty, it may draw power more than the designed one. Therefore, the responsibility cannot lie with the Respondent. This is more so important, particularly, when the meter is declared healthy by the Manufacturer when sent for testing.

10. In this case, it is important to pen down that the Respondent, on its part, has miserably failed to upload the data of the meter into its system which has culminated into this litigation. Therefore, the Forum is right in ordering an investigation into the entire episode and fixing the responsibility on the concerned official. It will not be out of place to mention here that the Respondent could have taken physical readings of the meter on monthly basis and should have been billed instead of putting some arbitrary number such as 500 units per month, notwithstanding whether it is getting uploaded or not. When the Respondent could bill the Appellant for 500 units, it could have easily billed for actual consumption worked out from the physical reading. Therefore, the Forum is right in ordering investigation into the state of affairs of the Respondent's concerned office.

11. In view of the above discussion, I do not find any reason to interfere with the order of the Forum. However, I direct the Respondent,


- a) To withdraw DPC and Interest levied, if any, for the disputed bill.
- b) To grant suitable equal instalments for the balance amount, not more than five, if the Appellant so desires and that too, without DPC and Interest.


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- c) To submit compliance within three months from the date of issue of this order.
12. The order of the Forum stands modified to the extent above.
13. The Representation is disposed of accordingly.
14. The secretariat of this office is directed to refund the amount of Rs.25000/- deposited by the Appellant by way of its adjustment in the ensuing bills.

Sd/
(Deepak Lad)
Electricity Ombudsman (Mumbai)


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