

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 139 OF 2024

In the matter of billing towards defective meter

Babulal Kumavat [Owner/User] (Consumer No. 020083115077) Appellant
Therwani Realty [Consumer]

V/s.

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

Appearances:

Appellant : Jitendra Kumavat (Son of the Appellant)

Respondent : 1. Vinay Kale, Executive Engineer
2. Ganesh Pawar, Dy. E.E, Titwala S/dn.


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 29th October 2024

Date of Order : 4th November 2024

ORDER

This Representation was filed on 8th October 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the Order dated 7th August 2024 in Case No. 042 of 2024 passed by the Consumer Grievance Redressal Forum,


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MSEDCL, Kalyan Zone (the Forum). The Forum disposed of the grievance application by observing that the Respondent has taken necessary action and necessary credit of bill revision has already been passed by it.


2. The Appellant has filed this Representation against the order passed by the Forum. An e-hearing was held on 29/10/2024 through Video Conference. The parties were heard at length. The Appellant's submissions and arguments are as below. *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a residential consumer from 23/06/2019. The details of the connection are tabulated below:

Table 1:

Sr. No.	Name of Consumer	Consumer No.	Address on Bill	San. Load (KW)	Date of Supply
1	Tharwani Realty	020083115077	Flat No. 602, Ivory, Tharwani Solitaire, Kalyan, Thane	4 KW	25-06-2019

- (ii) The Respondent billed the Appellant under "Faulty" Status for the period from June 2022 to Sep. 2022 (4 months) and July 2023 to Oct 2023 (4 months) respectively, with average consumption of 742 and 824 units per month respectively.
- (iii) The Appellant filed an online complaint on MSEDCL portal on 12/11/2023, 21/11/2023 and 10/05/2024 of high bills, and requested for replacement of the defective meter. However, the Appellant did not replace the defective meter within time, and did not revise faulty bills as per average consumption. The defective meter (Sr. No. 07603748670) of the Appellant was replaced by a new meter (Sr. No. 10015807296) on 29/09/2023.


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- (iv) The Appellant had actual photo readings of the disputed period; however, the Respondent did not accept the same and claimed that the meter was defective. The Appellant was billed on the higher side during the faulty meter period. There was no resolution of the dispute even after multiple online complaints and multiple office visits.
- (v) The Appellant calculated the average consumption on the new meter for the period from Oct. 2023 to Sep. 2024, which was 461 units per month, considering that the meter was replaced on 29/09/2023. The Appellant has tabulated the consumption summary from the year 2021 to 2024 which is as below:

Table 2:

Consumption Summary (Units) for the period from 2021 to 2024					
Month	2021	2022	2023	2024	Average
Jan	266	379	260	412	329
Feb	266	311	173	376	282
Mar	266	400	37	361	266
Apr	664	838	630	284	604
May	872	988	774	499	783
Jun	663	742	1067	817	849
Jul	548	742	824	573	561
Aug	468	742	824	453	461
Sep	430	742	824	525	478
Oct	412	305	438	493	412
Nov	495	120	438		351
Dec	580	137	361		359
Total cons.	5930	3478	4178	4793	5734
Months	12	8	9	10	12
Avg/mth	494	435	464	479	478
<p>Note: 1. The Appellant was billed with Faulty Status of 742 & 824 units per month from June to Sep. 2022 & July to Sep. 2024 respectively.</p> <p>2. The average consumption was calculated excluding Faulty Status billing period.</p> <p>3. The faulty average bills of Nov. & Dec. 2023 were revised with average of 438 units per month.</p>					



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The Appellant has expressed his willingness that the Faulty Status bills be revised considering average consumption of 478 units per month.

- (vi) An Additional Security Deposit (ASD) of ₹ 13,790/- was demanded in June 2024, based on bills with faulty meter status, which inflated the consumption units for both the year 2022-23 and 2023-24. According to the "Consumer Personal Ledger," the current SD deposited is ₹ 4,640/-. The Appellant requested to revise the additional security deposit demand amount as per bill amendments. Also, the Appellant applied for change of name from the existing consumer (Therwani Realty) to his own name; however, non-payment of the additional security deposit is the purported reason for rejection.
- (vii) The Appellant filed a grievance application with the Forum on 07/06/2024. The Forum by its order dated 07/08/2024 disposed of the grievance application by observing that the Respondent has taken necessary action and necessary credit of bill revision has already been passed by it. The Forum failed to understand that the meter was defective and the Appellant was billed on the higher side during the period of Faulty Status billing.
- (viii) In view of the above, the Appellant prays that the Respondent be directed
- a) to revise the bills of "Faulty" Status for the period from June 2022 to Sep. 2022 and July 2023 to Oct 2023 respectively with average consumption of 478 units per month.
 - b) to grant compensation towards mental and physical agony.

3. The Respondent filed its reply dated 22/10/2024. It's submissions and arguments are as below.

- (i) The Appellant is a Residential Consumer from 23/06/2019, with details as tabulated in Table 1. The normal consumption pattern of the Appellant was 300 to 1100 units per month. HPL make three phase meter (Sr. No. 07603748670) was installed to the Appellant for measurement of electricity.


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(ix) “Faulty Status” shown in the energy bill was due to reverse reading displayed in the meter. Hence the meter was assumed to be defective. The defective meter (Sr. No. 07603748670) was replaced by a new meter (Sr. No. 10015807296) on 29/09/2023. The “Faulty Status” bills of Oct. 2023 was revised as per recorded reading of Nov. 2023 and with revised average of 438 units per month. The credit of Rs. 16,004/- was already given to the Appellant in the month of Dec. 2023.

(x) The consumption pattern from Dec. 2023 (after meter replacement) was as below:


Month	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	11 Months	Avg/mth
Cons. (Units)	361	412	376	361	284	499	817	573	453	525	493	5154	469

(xi) The grievance of additional security deposit and change of name were not a part of the proceeding before the Forum, and hence the same should not be considered in appeal with EO(Mumbai). The additional SD will be revised in the month of April 2025 as per the routine practice. The Respondent assured to cooperate with the Appellant for the change of name after the statutory formalities are completed.

(xii) As discussed during the hearing, a settlement would be agreeable considering the Appellant’s consumption of 478 units per month for the faulty period.

Analysis and Ruling:

4. Heard the parties and perused the documents on record. The Appellant is a Residential Consumer from 23/06/2019. The Appellant was billed with Faulty Status for the period from June 2022 to Sep. 2022 and July 2023 to Oct 2023 respectively (total 8 months) with average consumption of 742 and 824 units per month respectively. The Respondent was not able to justify this average consumption, which is on the higher side. The meter (Sr. No. 07603748670) of the


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Appellant was replaced by a new meter (Sr. No. 10015807296) on 29/09/2023. As per the accumulated reading of November 2023, the bill of the Appellant was revised for the month of Oct. & Nov. 2023 with average of 438 units per month. The credit of Rs. 16,004/- was already given by the Respondent to the Appellant in Dec. 2023.


5. So far as the disputed period of 8 months is concerned, a settlement was initiated by the Electricity Ombudsman. Both the parties agreed to settle this case, by considering average assessment of 478 units for the period from June 2022 to Sep. 2022 and July 2023 to Oct 2023 respectively, with average consumption of 478 units per month.

6. Accordingly, the Respondent is directed as below:

- a. to revise the bill considering average consumption of 478 units per month for the period from from June 2022 to Sep. 2022 and July 2023 to Oct 2023 respectively.
- b. to withdraw interest and delayed payment charges if any from June 2022 till the date of the order.
- c. Other prayers of the Appellant are rejected.
- d. The compliance report be submitted within a period of two months from the date of issue of this order.

7. The instant Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

