

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 164 OF 2024

In the matter of disconnection of electricity supply

Sachin Kapure..... Appellant
(Late Kavita Kapure - Original Consumer
Cons. No. 000095273599)

V/s.

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

Appearances:

Appellant : Sachin Kapure

Respondent : 1. Rajesh Thool, Executive Engineer
2. V. R. Sonawale, Adtl. Ex. Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 15th January 2025

Date of Order : 4th February 2025

ORDER

This Representation was filed on 26th December 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 16th December 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Bhandup Zone (the Forum). The Forum by its order has dismissed the grievance application in Case No. 69 of 2024-25.


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Electricity Ombudsman Mumbai




2. Aggrieved by the order dated 16.12.2024 passed by the Forum, the Appellant has filed this representation. An e- hearing was held on 15th Jan.2025 through video conference where the parties were heard at length. The Respondent filed its reply on 10th Jan.2025. Its submissions and arguments are stated as below: - *[The Electricity Ombudsman's observations and comments are recorded under 'Notes' where needed.]*

- (i) The Appellant is a residential consumer. The details of consumer number, address, date of connection etc. are tabulated as below:

Table 1:

Name	Consumer No.	Address	Sanct. Load	Date of Supply	Period of faulty Status of meter	Date of meter replacement
Kavita Kapure	000095273599	B3,104, Lok Nisarg, Ghati Pada, Mulund(W)	5 KW	05/09/2002	Nov. 2022 to June 2023	03/07/2023

- (ii) The Appellant was billed as per actual meter reading till Oct. 2022. The display of the meter (No.07620018866) was not working from Nov. 2022, and the meter was found defective. However, there was an acute shortage of meters due to the Covid-19 Pandemic, hence the meter could not be immediately replaced. The Appellant was billed from Nov 2022 to June 2023 through system generated average consumption on the basis of the consumption for the previous period. However, this average billing was not acceptable to the consumer. The Appellant was billed on average of 94 units per month from Nov. 2022 to March 2023, and with average of 117, 142, & 134 units in April, May & June 2023 respectively by the system, considering the summer season as charted in Table 2.
- (iii) The Appellant by his letter dated 28/03/2023 requested to replace the defective meter. The Appellant was informed orally that there was acute shortage of meters due to the Covid-19 Pandemic. As soon as meters became available, the meter would be replaced on priority basis. The old meter (no. 07620018866) was finally replaced with a meter



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



(No. 08203145013) on 03.07.2023. (There was a shortage of meters, and a used but working digital meter which was in stock was provided.) In the intervening time, the Appellant raised his grievance of high billing via email and letter dated 27.06.2023. The Appellant paid Rs. 950/- on 27.04.2023 (March 2023 bill), but **did not pay any bill from April 2023 onwards**. The outstanding dues accumulated to Rs. 4,466.22 up to Sept. 2023 as per the Consumer Personal Ledger (CPL) of the Appellant.

- (iv) The Appellant by his letter dated 27.06.2023 informed that he was staying alone, and was billed on the higher side, especially from April 2023 onwards. The Appellant by his email dated 15.05.2023 informed that he should be billed on an average of only 94 units per month.
- (v) The Respondent sent disconnection notices every month as per Section 56(1) of the Electricity Act, 2003 (the Act) by Mobile SMS which was registered in the billing system. The latest notice was sent on 05.09.2023 at 13.32 Hrs. [*Note: SMS was sent on the original consumer's mobile i.e. his late mother.*]. However, the Appellant declined to pay the bill and requested to revise the bill claiming that there was less use.
- (vi) The supply of the Appellant was finally disconnected on 29.09.2023 for outstanding dues of Rs. 4,462.52, as the amount of security deposit in the System was only Rs. 30/- on record. The Appellant approached for reconnection, and as per his oral request, the supply was reconnected on 30.09.2023 on humanitarian grounds. He promised to pay Rs. 1800/- on account which he paid on 04/10/2023. This issue was one of recovery of routine arrears during a Recovery drive, and not of harassment to the consumer.
- (vii) On 18.09.2023, the bill of the Appellant was revised as shown below:

Table 2:


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Sr. No.	Month	Units Billed as per reading in 2021-22	Avg. Units Billed in 2022-23	Bill Revision (B 80 abstract) (Units)
1	Nov	103	100	75
2	Dec	85	94	75
3	Jan	77	94	75
4	Feb	58	94	75
5	Mar	58	94	110
6	Apr	121	117	110
7	May	142	142	110
8	Jun	138	134	110
	Total	782	869	740
	Avg/mth	98	109	93
Note	Bill was revised on 18.09.2023			

[Note: The Respondent has not explained the exact basis or calculations of the average billing (109 units per month) for the disputed period or the basis of the revised billing. It has also not provided the consumption pattern after replacement of the meter.]

The faulty bill was revised for the period from Nov 2022 to June 2023 considering the previous year's consumption pattern (with revised average of 93 units per month) and a credit of **Rs.1424/-** was accordingly given with bill revision on 18.09.2023. The Respondent by its letter dated 23.11.2023 & 03.01.2024 informed the details accordingly. Various queries of bill revision were also explained telephonically. However, the consumer was not satisfied with the revised bill. There was various correspondence of the Appellant with the Consumer Care Centre.

- (viii) The Appellant raised a grievance on 05.02.2024 for further revision of the bill. However, he was informed that the bill was already revised, and the Appellant was billed as per actual meter reading from 03.07.2023. The Appellant did not clear his outstanding dues and was in arrears for Rs. 2131.62. A digital SMS notice was served to the Appellant. However, he refused to pay these outstanding dues. The supply of the Appellant was finally disconnected on 21.02.2024. As per directions of higher authorities, the supply was reconnected at about 19.30 Hrs. on 21.02.2024. The Appellant paid the total outstanding dues of Rs.2140/- on 26.02.2024. From then onwards, the Appellant is paying his electricity bills regularly.


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(ix) The Appellant filed a grievance application with the Forum on 19.09.2024 for compensation of Rs. 25000/- towards alleged mental torture. The Forum by its order dated 16.12.2024 dismissed the grievance application. The Forum observed that

“There was no deliberate deceit or mala fide intention on the part of the named employees in particular or the utility in general. Hence the grievance filed by consumer is dismissed.”

(x) The Appellant was billed as per the system programme on average billing by the corporate office. If the Appellant had paid these bills under protest, the instances of unpleasant disconnections would never have happened. The Appellant's supply was disconnected only due to nonpayment of bills, and that too after issuing disconnection notices to the consumer, and after the notice period was over. It was reconnected on humanitarian grounds even before any payment from the consumer.

(xi) The Respondent stated the observations of the Forum in its order as below:

“OBSERVATIONS AND REASONS:

1. In the hearing, the applicant, Mr. Sachin Kapure agreed that the assessment done and the correction made thereafter (after installation of new meter) was correct, and that the due payments were done by him.

2. Further, the applicant agreed that the registered mobile number in the database was of his late mother, and hence he would not have received the notice.


3. The applicant was aggrieved and agitated due to the delay in replacement of the meter, but conceded that there was no payment done in the referred period due to which the disconnection was effected.

4. As of date, there are no dues pending and the applicant has no dispute regarding the present recording of units consumed.”

This clearly indicates that there is no merit in the case.


(xii) In view of the above, the Respondent prays that the representation of the Appellant with his prayer for compensation be rejected.

3. The Appellant's submissions and arguments are stated as below: -


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




- (i) The Appellant is a single-phase Residential consumer (No. 000095273599) as tabulated in Table 1. The Original Consumer, Kavita Kapure expired in November 2022. At present, her son Sachin Kapure is residing at the above address, and he has filed the present representation. *[Note: Change of name is not done till date.]*
- (ii) The Appellant is regular in bill payments for the last 20 years. The Respondent issued bills under “Faulty” Status from Nov. 2022 based on average consumption, as the display of the meter was not functioning.
- (iii) The Appellant by his letter dated 28.03.2023 requested MSEDCL to replace the defective meter, but nothing was done, saying that no meter was available. **The Appellant was billed on the higher side as 117, 142, and 134 units from April to June 2023 respectively.** The Respondent did not replace the meter; hence, the Appellant informed the Respondent that he would not pay the said outstanding bill. The Appellant was ready to pay current bills; however, **part payment of disputed current bills was not accepted due to Locking in the billing System.**
- (iv) The actual consumption pattern of the Appellant and “Faulty” Status billing is summarised in Table 2. The logic behind average bills was not acceptable to the consumer, as there was less consumption for this specific period. The Respondent replaced the faulty meter only on 3rd July 2023 i.e. after 8 months of tremendous follow up, and kept overcharging under an assumption, and not as per actual electricity consumption.
- (v) The Appellant submitted a letter to SDO office on 03.07.2023 asking to assume only 75 units till the meter got replaced, and personally spoke to him on his mobile. On the same day he asked to install a new meter. **After the new meter was installed, the units were consistently less than 75.** He assured me that a billing correction would be made in the next month’s bill, but he never did it despite the WhatsApp/Call to him.
- (vi) MSEDCL illegally disconnected his electricity without any notice for 2 days on 29.09.2023 being Friday, (i.e. for 4 days’ consecutive holidays till 3rd Oct 2023), though the due date for payment was 4th Oct. 2023. *[Note: The date of payment of 4th Oct. 2023 was only for the current bill, and not for the outstanding bill].* The supply


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



was restored on 30.09.2023, Saturday evening at 5 pm only after the payment of Rs.1400/- after negotiation (he was asking for full payment). **MSEDCL did not show any calculations or how they arrived at the bill amount.** This is a violation of the right to electricity as a consumer. The Appellant was without water & fan for 2 days. Although they knew the meter was not functioning, they did not replace the meter in time, and overcharged the Appellant till June 2023 for 8 months. Although the Appellant had previously given a letter on 28.03.2023 and on 27.06.2023, the meter was not replaced within the prescribed time frame. The billing correction was not done by the Addl. Ex. Engineer from July 2023 till Sept. 2023 for more than 100 days after installation of the new meter, despite many follow ups with him to clear the dues. The Respondent failed to show how Rs. 1400/- was arrived at. Numerous emails were sent to the SDO and customer care, but nothing was done for bill revision. WhatsApp messages/calls were blocked by him. (The Appellant came to know that SMS notice was sent on 05.09.2023 for paying dues.) This is an abuse of power by them. How can they send a notice without doing adjustment? Also, the replaced meter is a **2nd hand meter and not a new meter**, which is again a violation.

- (vii) The Appellant paid Rs.1400/- on 04.10.2023. They shared the adjustment only on 23.11.2023 on portal complaint. Also, unlike the corona period in 2022, in 2023 the Appellant was on holiday and his house was locked for 15 -20 days. He has proof of flight tickets of Feb and May. Hence his consumption would be genuinely less than an assumed average. Consumers were forced to pay the full amount only online. There was no policy to accept part payment in case of disputes. So, the Appellant went to their office and gave a cheque for the Jan. bill, but they did not accept it and returned it. The Appellant gave a letter on 5th Feb 2024 to remove the arrears so he could make online payment, but they did not do so.
- (viii) **The Respondent again disconnected his electricity on 21.02.2024.** The Appellant approached the Chief Engineer, Bhandup Urban Zone. As per his directions, the local team reconnected the supply on 19.30 Hrs. on 21//02/2024. **The Appellant met Executive engineer Mulund Division and complained on 22.02.2024 by letter**


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




asking for suspension of Mr. Chate (then Addl. Ex. Engineer) and Bavaskar (Section Officer) and demanded Rs.25000/- as compensation.

- (ix) No proper response was received, so the Appellant filed a grievance application with the Forum on 19.09.2024 with prayer as below:
- (a) Rs.25000/- as compensation for blatant misuse of their power and endangering his life.
- (b) Suspension of Chate and Bavaskar for minimum 3 months. There are several Bombay HC orders slamming GST officers, police, even CBI for misuse of power.
- (x) The Forum by its order dated 16.12.2024 dismissed the grievance application. The Forum failed to understand the basic issue that they have illegally disconnected the power supply and failed to replace the meter.
- (xi) In view of the above, the Appellant prays that the Respondent be directed to pay Rs.25000/- compensation in this case.

4. After the hearing, the Respondent by its email dated 29/12/2024 reported that there were ongoing unwarranted emails from the Appellant. The Respondent put on record the sample emails dated 15/06/2023 and 17/06/2023. The contents of these emails are reproduced below:

- a) On 15 June 2023 at 21.16 hrs. email:
“you morons I already told that until meter is fitted I will pay assuming 90 unit used. Then why the hell you generated by yourself without meter reading charging 1320 and before that 950. You bastards need to be taught lesson”
- b) 17 June 2023 at 14.35 hrs. email:
“Your morons let Adani Electricity come in Mumbai and you all loose your job then you PPL will get proper brains. I am not paying single money until you fit new meter and till date you generate bill of 90 units only per month.”

It is clearly seen that the consumer was using abusive and defamatory language. The tone of the Appellant was vicious while visiting the offices of the MSEDCL, even the correspondence done with the Respondent was also in abusive language. We record our strong displeasure for the use of such abusive language by the Appellant.


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




Analysis and Ruling

5. Heard the parties and perused the documents on record. The dispute relates to the period from Nov.2022 to June 2023, when the meter display was not working. The meter was not replaced in this period, and average billing was done which was not acceptable to the consumer, particularly for the months of April to June 2023.

6. The Respondent contended that the display of meter was not working from Nov. 2022 and there was a shortage of meters due to the Covid-19 Pandemic. The Appellant was billed with system generated average consumption on the basis of the previous consumption. The Appellant did not pay any bill from April 2023 onwards. The outstanding dues accumulated to Rs. 4,466.22 up to Sept. 2023. However, the Appellant refused to pay the outstanding bill and requested to revise the bill claiming that there was less use. The bill of the Appellant was revised as charted in Table 2. It is seen that for the disputed months of April to June 2023, the bill was revised to 110 units per month, while the Appellant claims that his actual consumption was less, and should be based on assumed consumption of only 75 units per month. (Earlier vide his email dated 15.05.2023, he had demanded that average consumption of 94 units per month should be applied.) The Appellant's supply was disconnected due to nonpayment of bill, after issuing disconnection notices to consumer's mobile number on record and after the notice period was over. The Appellant paid the revised bills, and the grievance seems to have been resolved in toto at that time. However, the Appellant again raised the grievance of overbilling.

7. The Appellant contended that the logic behind the average bill was not acceptable, as there was less consumption for this specific period. The Respondent replaced the faulty meter after 8 months only on 3rd July 2023 and kept overcharging under assumed consumption and not actual electricity consumption. MSEDCL illegally disconnected his electricity without any notice for 2 days on 29.09.2023. This is a violation of right to electricity as a consumer. The Appellant was without water & fan for 2 days. This was an abuse of power by MSEDCL. The supply was reconnected on 30.09. 2023. The Appellant paid Rs.1400/- on 04.10.2023. The Respondent again disconnected his electricity on 21.02.2024 for alleged arrears of Rs. 2140/-. Though the Appellant paid the total revised bill on 26.02.2024, the way of handling the


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complaint was not correct, and hence he claims that he is eligible to get compensation towards failure of efficiency, harassment, etc.

8. From the submissions of both the parties, it is observed that the Appellant did not update his mobile number in MSEDCL System after his mother expired in Nov.2022 hence he may not have received the disconnection notice. It was a fact that there was a shortage of meters due to the Covid-19 Pandemic, hence the Respondent failed to replace the meter within the prescribed time frame of three months. We find that there were faults on both sides. The consumer refused to pay the bills which were not acceptable to him. MSEDCL also failed to take account of his submissions relating to lower consumption. The grievance could have been resolved had MSEDCL applied a more reasonable 'average' consumption of 94 units per month from April to June 2023.


Be that as it may, the current prayer of the Appellant relates to compensation of Rs. 25,000/-.

9. As per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code and SOP Regulations 2021), the consumer is not entitled to receive indirect, consequential, incidental, punitive cost.

The same is reproduced as below: -

“18.4 The Distribution Licensee shall not be liable for any claims against it attributable to direct, indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity, whether arising in contract, tort, warranty, strict liability or any legal principle which may become available, as a result of any curtailment of supply under the circumstances or conditions mentioned in this Regulation 18.”

There are allegations and counter allegations of both parties against each other. However, it is not necessary to go into the merit of the bill revision considering the main prayer of the Appellant for compensation. The indirect punitive cost claimed by the Appellant for Rs. 25,000/- towards compensation for harassment, physical and mental agony etc. seems



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Secretary
Electricity Ombudsman Mumbai



excessive, and there is no legal provision for it as per Regulation 18.4 of Supply Code and SOP Regulations 2021.

10. In view of the circumstances above, the Representation of the Appellant is rejected. The Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


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Secretary
Electricity Ombudsman Mumbai

