

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 123 OF 2024

In the matter of excess billing

Vinod K. Poptani..... Appellant
(Cons.No.021514936371)

V/s.

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

Appearances:

Appellant : 1. Vinod Poptani, Consumer
2. Jagansingh Rajput, Representative

Respondent: S.S.Kulkarni, Executive Engineer

Coram: Vandana Krishna (Retd. IAS)

Date of hearing: 8th August 2024

Date of Order: 26th August 2024

ORDER

This Representation was filed on 9th May 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 Original Order dated 14th December 2023 in Case No. 63 of 2023 and the Review Order dated 25th April 2024 in Case No. 009 of 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum). The Appellant paid the statutory deposit of Rs.25,000/- on 05/07/2024 as per Regulation 19.22(h) of CGRF & EO Regulations 2020. Hence, the



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representation was registered on 05/07/2024. The Forum partly allowed the grievance application in Case No. 63 of 2023. The operative part of the order is as below: -

“2. The licensee is directed to revise the disputed bill by giving slab benefit for three months i.e. from May 2023 to July 2023.

3. The interest & DPC levied if any are withdrawn.”

[Note: The Respondent has already given this slab benefit, which amounts to Rs.14,322/-.]


2. The Appellant has filed this representation against the orders of the Forum. An e-hearing was held on 8th August 2024. Both the parties were heard at length. The Respondent filed its reply dated 31st July 2024. For easy understanding, the Respondent’s submissions and arguments are stated first as below. [The Electricity Ombudsman’s observations and comments are recorded under ‘Notes’ in brackets where needed.]

- (i) The Appellant is a residential consumer (No. 021514936371) from 29.02.2016. The connection details are tabulated as below:

Table 1:

Name of Consumer	Consumer No.	Address	San. Load (KW)	Date of Supply	Purpose
Vinod K. Poptani	021514936371	BK NO 1040, Room No.5, Upper Floor, Section-24, Ulhasnagar 3	2	29.02.2016	Residential

- (ii) The Appellant stays in a double-storey house, i.e. upper floor and lower floor, each having two independent rooms.
- (iii) The Appellant lodged a high bill complaint of Rs.83,191/- for 4449 units’ consumption in the month of July 2023. Accordingly, the premises of the Appellant was visited by the area line staff, and it was confirmed that the meter of Genus make (Sr. No. 06507262352) was working normally.


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- (iv) The consumption pattern of the Appellant as per the CPL is tabulated below. The average consumption in the pre-complaint period was in the range of 200-350 units p.m., and the average bill was in the range of Rs.3000/- to Rs.4300/-per month.

Table 2:

Financial Year	2022-23			2023-24			2024-25		
Month	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status
Apr	19490	276	Normal	22467	316	Normal	2234	354	Normal
May	19837	347	Normal	22467	347	R.N.T.	2583	349	Normal
Jun	20147	310	Normal	22467	301	Faulty	2924	341	Normal
Jul	20363	216	Normal	26916	4449	Normal	3164	240	Normal
Aug	20590	227	Normal	148	238	Normal			
Sep	20825	235	Normal	373	225	Normal			
Oct	21086	261	Normal	596	223	Normal			
Nov	21304	218	Normal	872	276	Normal			
Dec	21509	205	Normal	1123	251	Normal			
Jan	21715	206	Normal	1371	248	Normal			
Feb	21901	186	Normal	1631	260	Normal			
Mar	22151	250	Normal	1880	249	Normal			
	Total	2937		Total	6735		Total	1284	
	Avg./mth	245		Avg./mth	561		Avg./mth	321	
Note	a)Meter (Sr. No. 06507262352 of Genus Make) was working, however billed under wrong status in May & June'24								
	b)The Meter was replaced by a new meter (Sr. No. L & T A 629241) on 18/08/2023 as per consumer's complaint of burnt meter.								

- (v) The Appellant received regular bills based on meter readings of 22467 KWH up to April 2023. The meter was read with photo reading of 23491 KWH in May 2023, but due to delayed submission of the reading by the meter reader, the May 2023 bill was processed on average consumption. Consequently, the contract with the meter reading agency, M/s. Gajanan Enterprises was terminated in June 2023 due to poor performance of meter reading.


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- (vi) The meter was also read with photo reading of 25330 KWh in June 2023, however, at the time of reading validation, an error occurred and the Appellant was mistakenly billed with 'Faulty' Status based on average consumption.
- (vii) The Appellant was billed as per the actual meter reading of 26916 KWH in July 2023 for accumulated consumption of 3 months for 4449 units. This comes to an average of 1483 units' p.m. during these 3 months.
- (viii) The Appellant reported a burnt meter to the section office on 02.08.2023, leading to the replacement of the meter (No.06507262352) on 12.08.2023. It is notable (and suspicious) that the meter got burnt precisely after showing the high reading, indicating the possibility of foul play.
- (ix) As per the spot inspection report dated 22.08.2023, the Appellant has a double storey house. The connected load in Room No. 1 is Fan-2, AC-1, washing machine -1, Fridge-1, water motor-1, Tube-2, LED-7, TV-1. The connected load for room no.2 is Fan-1-, AC-1, LED-2, TV-1, Fridge-1, Washing Machine -1, Tube-1. **[Note: No inspection report was given to the Appellant.]** The Appellant's consumption pattern as per the photo readings is as below: -

Table 3:

VINOD KANAYALAL POPTANI			
Cons. No. 021514936371			
Month	Previous (kWh)	Current (kWh)	Cons. (Units)
Apr-23	22151	22467	316
May-23	22467	23941	1474
Jun-23	23941	25330	1389
Jul-23	25330	26916	1586

- (x) Thus, the actual meter readings show that the consumption shot up from May to August 2023, probably due to extensive use of AC and electrical equipment during the summer. The licensee has provided photographs of the meter readings over three months.



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- (xi) There was an earth leakage indication on the display of the meter. The Appellant claimed that the meter was not functioning correctly, hence, the earth leakage indication of the meter was referred to the manufacturer for technical advice. The manufacturer informed by email that this has no direct relation to the recording or accuracy of the meter. The earth leakage indication is related to the poor earthing of the Appellant.
- (xii) The meter reading agency, Shri Samarth Computer Services, by its letter dated 06.08.2023 informed that the readings of the said consumer have been taken every month, and have also attached the photo reading of each month.
- (xiii) As per the Appellant's application dated 17.08.2023 and the Forum's first order, the Appellant's bill was revised by distributing 4449 units from May 2023 to July 2023 and subtracting Rs.14322/- (Bill Revision ID – 15647179), which is reflected in the bill of January 2024.
- (xiv) The Forum by its review order dated 25.04.2024 has rejected the review application.
- (xv) There are many factors which may have suddenly increased electricity consumption of the consumer, such as
- Unauthorized extension of load to others, visitors / guests
 - Unauthorized tapping,
 - Defective electric wirings / electric gadgets
 - Old and outdated appliances
 - Additional load used for various functions.

A meter is installed for recording accurate consumption. There is no scientific reason or tendency for a meter of a reliable Genus -make to run fast for a specific period of 3 months and work normally thereafter.

- (xvi) As per Regulation 4.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Standards of Performance of Distribution Licensees including Power Quality) Regulations, 2021 (Supply Code & SOP Regulations 2021) the Respondent is authorized to recover charges for electricity supplied. The Regulation 4.4.1 is reproduced below:



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“4.4. Charges for Electricity Supplied

4.4.1 The Distribution Licensee is authorized to recover charges for electricity supplied in accordance with such tariffs as may be fixed from time to time by the Commission:”

- (xvii) The Respondent stated that whenever Shri Jagansingh Rajput, Consumer Representative entered as the consumer representative, there are many cases where the meter was found burnt or the meter display stopped. The Respondent is unable to understand the role of J. S. Rajput in most of the cases. There are serious complaints against him.
- (xviii) In view of the above, the Respondent prays that the representation of the Appellant be rejected.
3. The Appellant’s submissions and arguments are stated as below: -
- (i) The Appellant is a Residential Consumer as mentioned in para 2 (i). The Appellant is regular in payment of the electricity bills.
- (ii) The Appellant suddenly received a high bill of Rs. 83,191/- for 4449 units’ consumption in the month of July 2023 and hence he registered a high bill complaint to the Respondent. The Appellant's consumption for July 2022 was 210 units, and for July 2023, it is shown as 4449 units. It is not possible for a residential consumer to consume 4449 units of electricity. *(Note: 4449 units is actually the accumulated consumption for 3 months.)*
- (iii) The licensee has not provided any company test report or lab test report of the meter to the Appellant. According to the rules, the meter should have been lab-tested after two years, as the guarantee for any electronic meter is only for 2 years. Also, as per rules, the licensee should have inspected the consumer premises. The licensee has not provided any spot inspection report to the Appellant, and they have never given any meter installation report signed by the Appellant.


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- (iv) There was an earth leakage indication on the display of the meter. Its photo was sent to the Respondent. It is wrong to state that there was no indication of earth leakage on the new meter and hence the meter is not faulty as it came on the old meter and ought to come on the new meter also. Hence, the meter should be tested.
- (v) The Appellant filed a grievance application with the Forum on 11/09/2023, which only allowed slab benefit for 3 months. The Appellant filed a review application on 16/01/2024, however it was rejected by the Forum by its order dated 25/04/2024. The Forum failed to understand that the meter was defective.
- (vi) The Appellant claimed that this case comes under Regulation 16.4.1 of the Supply Code and Standards of Performance Regulations, 2021 which is reproduced below:

"Billing in the Event of Defective/ stuck/stopped/burnt Meters, 16.4.1. Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective stuck/stopped/burnt meter, the amount of the Consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill."

- (vii) The Appellant prays to revise the bill as per MERC rules and to grant compensation towards mental and physical agony.

Analysis and Ruling

4. Heard the parties and perused the documents on record. The Appellant is a single-phase residential consumer whose details and consumption pattern are already mentioned in Table 1 and Table 2. The Consumer Personal Ledger data reveals that bills were generated on an average basis with a "Reading Not Taken" and "Faulty" status in the months of May and June 2023 respectively. Subsequently, in July 2023, the Appellant received a high and abnormal bill of Rs.83,191/- with meter reading of 26916 kWh and consumption of 4449 units (for 3 months). The Appellant complained of this high bill on 17.08.2023 which was not acceptable to him. It


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is notable that this meter was not burnt at the time when the actual reading of 4449 units was taken in July 2023.

5. The Respondent carried out a spot inspection on 22.08.2023. As per this spot inspection report, the consumer has a double storey house. The connected load in Room No. 1 is Fan-2, AC-1, washing machine -1, Fridge-1, water motor-1, Tube-2, LED-7, TV-1. The connected load for room no.2 is Fan-1-, AC-1, LED-2, TV-1, Fridge-1, washing machine 1, Tube-1. etc.

6. The Appellant raised the issue of earth leakage indication on meter display. The manufacturer has refuted any relation between the earth leakage and the meter display / consumption recording in the meter. As per CPL, the Appellant's consumption pattern of the previous year from May 2022 to Dec.2022 never exceeded 347 units. Even after July 2023, the consumption pattern was again in the range of 225 to 250. Meanwhile, the Appellant had reported a burnt meter and the meter was replaced on 12.08.2023.

7. The Respondent contended that regular bills were issued based on meter readings until April 2023 when the meter reading was 22467 kWh. In May 2023, due to a delayed submission by the meter reader, the May 2023 bill was based on average consumption. Similarly, in June 2023, an error in declaring the meter as faulty led to the issuance of the June 2023 bill based on average consumption. July 2023's meter reading was 26916 kWh, resulting in issuance of 3 months' bill for 4449 units. The Appellant reported a burnt meter to the section office on 02.08.2023, leading to the replacement of the meter (No.06507262352) on 12.08.2023.

8. We have examined the aspect of accuracy of the meter readings, and we find no reason to disbelieve the meter reading indicating consumption of 4449 units from May to July 2023. There are many factors which may increase electricity consumption, including poor efficiency and poor maintenance of electric gadgets as well as extension of supply. A meter is installed for recording accurate consumption. There is no scientific reason or tendency for a meter to run fast for a specific period and to work normally or accurately in other periods, especially for


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when there is nothing on record to indicate that the meter was tampered. There is no opportunity to test the meter at present as the meter was burnt and replaced. Thus, we must assume that the meter reading when finally recorded was true and accurate.

9. However, in order to give some relief to the consumer, the recorded consumption up to July 2023 could be considered as accumulated consumption for the last one year, which can be split up over a longer period of 12 months (from Aug.2022 to July 2023) to give slab benefit. The calculations are as below:


Month	Description	KWH
Aug-22	Initial Reading	20363
Jul-23	Final Reading	26916
	Diff. for 12 months	6553
Avg/ month (Units		546

The average consumption during this period would be 546 units per month.

10. Hence the Respondent is directed as below:

- a. To revise the bills of the Appellant considering consumption of 546 units per month for the period from Aug.2022 to Jul. 2023.
- b. to allow the Appellant to pay the revised bill in 6 equal monthly instalments without any interest and DPC. If the Appellant fails to pay any instalment, proportionate interest will accrue on defaulter portion, and the Respondent has the liberty to take action as per law.
- c. To withdraw the interest and delayed payment charges levied for the period from July 2023 till the date of this order.
- d. Other prayers of the Appellant are rejected.
- e. The compliance report be submitted within a period of two months from the date of issue of this order.

11. The instant Representation is disposed of accordingly.


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12. The secretariat of this office is directed to refund Rs.25,000/- taken as deposit to the Respondent for adjusting in the Appellant's ensuing bill.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)



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