

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 125 OF 2024

In the matter of defective meter and excess billing

Vishwas ShedgeAppellant
(Consumer No. 273840002493)

V/s.

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

Appearances:

Appellant : Sagar V. Shedge, Son

Respondent: 1. Chandrakant Damse, Executive Engineer, Islampur Division
2. Laxman Khatavkar, Dy. Executive Engineer, Shirala Sub/dn.

Coram: Vandana Krishna [I.A.S. (Retd.)]

Date of hearing: 26th September 2024

Date of Order : 21st October 2024

ORDER

This Representation was filed on 18th June 2024 under Regulation 19.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2020 (CGRF & EO Regulations 2020) against the order dated 18th April 2024 passed by the Consumer Grievance Redressal Forum, Kolhapur (the



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Forum) in Case No. 11 of 2024. The Appellant submitted the statutory deposit of Rs. 4000/- on 03/07/2024 as per Regulation 19.22 (h) of CGRF & EO Regulations 2020. The Representation was registered on 03/07/2024.

2. The Forum by its order (in Marathi) partly allowed the grievance application of the Appellant. The Forum observed that the average consumption pattern was 75.4 units per month for the period from April 2019 to Jan. 2020. The meter was found to be defective from Feb. 2020 onwards. The Covid-19 pandemic started from 22nd March 2020. The meter could not be replaced due to non-availability of meters in rural areas during the Covid-19 pandemic. The meter was replaced only on 17th April 2023. The Appellant was billed for assessed consumption for 3098 units for the period from Feb.2020 to April 2023 (38 months). This comes to 81.5 units per month. The Appellant was supposed to be billed for 2865.20 units (i.e. 75.4 units p.m.x38) for the above period. Hence, he was excessively billed for 232.80 (= 3098-2865.2) units. The operative part of the order is (translated in English) as below:

1. *The Respondent is directed to refund 232.80 units bill amount in the next bill cycle for the faulty period from Feb. 2020 to April 2023.*
2. *Other prayers of the Applicant are rejected.*

3. Aggrieved by the order of the Forum, the Appellant has filed this representation. An e-hearing was held on 26/09/2024 through video conferencing. Both the parties were heard at length. The Respondent filed its reply dated 04/09/2024. The Respondent'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 13/03/2015. The details of the consumer number, sanctioned load, address etc. are as below:


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Table 1

Name of Consumer	Consumer No.	Address	Sanctioned Load	Date of Supply	Purpose
Vishwas Shedge	273840002493	21 A, Shedgewadi, Tal. Shirala, Dist. Sangli	0.34 KW	13/03/2015	Residential


His normal pattern of consumption was in the range around 30 to 110 units per month.


Preliminary Submissions:

- (ii) The Appellant filed his complaint with the Forum on 17/01/2024 for defective meter billing for the period from Feb. 2020 to April 2023 (39 months). If the Appellant was aggrieved with the average billing from Feb. 2020, he should have protested to MSEDCL immediately and in case of non-redressal of the grievance by MSEDCL, he had the option to approach the Forum within two years from the original cause of action i.e. before Feb. 2022. However, the Appellant filed his complaint before the Forum only on 17/01/2024, i.e. after about four years from the cause of action (Feb.2020); hence the grievance is not maintainable as per Regulation 6.6 / 7.9 of MERC (CGRF and EO) Regulations, 2006 / 2020.
- (iii) The Appellant is trying to justify the above delay in filing the grievance by giving the reason of Covid-19 pandemic which emerged from March 2020 onwards. The Appellant did not face any hurdles for making correspondence and visits to MSEDCL from June 2020 onwards; hence the above excuse of Covid -19 pandemic preventing him from filing the grievance before the Forum is not acceptable.

Reply on Merit

- (iv) The Appellant filed online complaints on the Web Self Service (WSS) Portal with a request for replacement of defective meter in the year 2020, 2021, 2022 and 2023. The complaints were closed by giving the reason of non-availability of meters, and he was also assured that his meter would be replaced on priority after receipt of meters from


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the corporate office. [Note: 'Closure' of the complaint without replacing the defective meter was unjustified. The Respondent needs to re-examine this policy.]

- (v) The Appellant filed a grievance application in the Forum on 17/01/2024. The Forum by its order dated 18/04/2024 directed the Respondent to revise the bill, which is already produced in the second para above. The Respondent has complied with the order of the Forum.
- (vi) The abstract of the Appellant's Consumer Personal Ledger (CPL) was as below:

Table 2:

Year	2019-20				2020-21				2021-22			
Month	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status
Apr	7921	8023	102	Normal	8675	8675	84	Faulty	9003	9003	170	Faulty
May	8023	8111	88	Normal	8675	8675	84	Faulty	9003	9003	170	Faulty
Jun	8111	8215	104	Normal	8675	8675	84	Faulty	9003	9003	170	Faulty
Jul	8215	8248	33	Normal	8675	8675	84	Faulty	9003	9003	83	Faulty
Aug	8248	8296	48	Normal	8675	9003	328	Normal	9003	9003	83	Faulty
Sep	8296	8348	52	Normal	9003	9003	170	Faulty	9003	9003	83	Faulty
Oct	8348	8422	74	Normal	9003	9003	170	Faulty	9003	9003	83	Faulty
Nov	8422	8494	72	Normal	9003	9003	170	Faulty	9003	9003	83	Faulty
Dec	8494	8566	72	Normal	9003	9003	170	Faulty	9003	9003	83	Faulty
Jan	8566	8675	109	Normal	9003	9003	170	Faulty	9003	9003	83	Faulty
Feb	8675	8675	84	Faulty	9003	9003	170	Faulty	9003	9003	83	Faulty
Mar	8675	8675	84	Faulty	9003	9003	170	Faulty	9003	9003	83	Faulty
Year	2022-23				2023-24				2024-25			
Month	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status	Previous Reading in CPL (KWH)	Current Reading in CPL (KWH)	Cons. (Units)	Meter Status
Apr	9003	9003	83	Faulty	9003	9003	83	Faulty	694	779	85	Normal
May	9003	9003	83	Faulty	0	99	109	Normal	779	887	108	Normal
Jun	9003	9003	83	Faulty	99	196	97	Normal	887	997	110	Normal
Jul	9003	9003	83	Faulty	196	257	61	Normal	997	1066	69	Normal
Aug	9003	9003	83	Faulty	257	301	44	Normal	1066	1113	47	Normal
Sep	9003	9003	84	Faulty	301	356	55	Normal	1113	1179	66	Normal
Oct	9003	9003	84	Faulty	356	421	65	Normal	1179	1246	67	Normal
Nov	9003	9003	84	Faulty	421	504	83	Normal				
Dec	9003	9003	84	Faulty	504	566	62	Normal				
Jan	9003	9003	84	Faulty	566	604	38	Normal				
Feb	9003	9003	83	Faulty	604	644	40	Normal				
Mar	9003	9003	83	Faulty	644	694	50	Normal				
Note:	(1) Meter of the Appellant was replaced on 17/04/2023. (2) the Average for one year (May 2023 to April 2024 was found to be 65.75 units per month.											


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(vii) The bills of the Appellant were revised as tabulated below:

Table 3:


Sr. No.	Period	Month	Units billed under Faulty Status	Avg/Month (Units)	Revised Units	Avg/Month	Remarks
1	Feb.2020 to Aug. 2020	7	832	Avg. 84 Units /month upto Jul.2020 & 328 Units in Aug. 2020	328	47	Meter was working, however wrongly billed under Faulty Status
2	Sep. 2020 to Jan. 2021	5	850	170	420	84	
3	Feb. 2021 to June 2021	5	850	170	415	83	
4	July 2021 to May 2022	11	913	83	680	62	233 units were adjusted as per order of the Forum
5	Jun. 2022 to Nov. 2022	6	498	83	240	40	
6	Dec. 2022 to Apr. 2023	5	415	83	350	70	
7	Total	39	4358		2433		Credit Given for 1925 (= 4358-2433)units

(viii) The earlier (pre-dispute) consumption pattern of the Appellant was 75.4 (= 754/10) units per month for the period from April 2019 to Jan. 2020 (10 months). After meter replacement, the consumption pattern was found to be 65.4 (= 654/10) units per month for the period from May 2023 to Feb. 2024(10 months) .

[Note: The Respondent did not take the consumption pattern for 12 months i.e. 1 year.]

(ix) The Appellant requested for refund of about 874 units which was excessively billed for the period from Feb. 2020 to Apr. 2023 in Schedule A before the Forum. However, the Appellant now prays in Schedule B for refund of about 1375 units for the said period. Hence there is a different prayer before the appellate authority, which cannot be entertained.

(x) It is understandable that there was a delay for replacement of the defective meter due to the Covid-19 Pandemic from March 2020 onwards. The Second Covid-19 phase came in the year 2021. Normalcy was restored only in 2022 onwards in the true sense. This resulted in acute shortage of meters for MSEDCL, which badly affected its meter replacement programme, especially in rural areas. The meter of the Appellant was


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Electricity Ombudsman Mumbai



finally replaced on 17/04/2023. The Appellant did not bring his own meter which would have been accepted, and the meter could have been replaced in time. *[Note: The Respondent could have informed the Appellant to bring his own meter, which was not done.]* The Appellant was correctly billed by the system as per average consumption during the faulty period as shown in Table 2. There was no intention to harass the consumer.

(xi) In view of the above, the Respondent prays that the representation of the Appellant be rejected.

4. The submissions and arguments of the Appellant are stated in brief as below: -

- (i) The Appellant is a residential consumer from 13/03/2015, as tabulated in Table 1. The Appellant is regular in payments of electricity bills. The Respondent issued bills correctly up to the month of Jan.2020. The bills were in the range of 30 to 100 units when the meter was working properly.
- (ii) The meter of the Appellant was defective from Feb.2020, but was replaced only on 17/04/2023. The Appellant was charged with an excess of about 1375 units for the period from Feb. 2020 to April 2023.
- (iii) The Appellant made online complaints on 04/06/2020, 28/08/2020, 11/10/2020, 16/02/2021, 28/06/2021, 06/10/2021, 22/11/2022 and 27/07/2023 on the Respondent's WSS Portal for the replacement of the defective meter. However, the Respondent did not replace it within the time frame, nor **bothered to reply**. The Appellant was overbilled for about 1375 units for this period.*[Note: No proper calculations were given for this figure of 1375 units]*
- (iv) **The Respondent neither answered the verbal complaints nor responded to the online complaints. This is the basic grievance regarding the callous attitude of the Respondent to consumers in general.** *[Note: There can be no excuse for not even replying to repeated complaints. The peak of the Covid*



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lockdown was over by July 2020, after which the Respondent should have at least replied to the complaints.]

- (v) The Appellant filed a grievance application in the Forum on 17/01/2024. The Forum by its order partly allowed the grievance application as mentioned in the Second Para, but did not give adequate relief to the Appellant.
- (vi) There was a delay in filing the grievance in the Forum due to the Covid-19 Pandemic. The Appellant prayed for waiver of time delay in the Forum. The Appellant pointed out that there was also a delay for meter replacement.
- (vii) In view of the above, the Appellant prays that the Respondent be directed
 - a) to refund the over-billing of about 1375 units for the period from Feb. 2020 to Apr. 2023.
 - b) to waive of the interest and delayed payment charges levied till date.
 - c) to compensate towards expenditure towards filing the representation.

Analysis and Ruling

5. Heard both the parties and perused the documents on record. The Appellant is a residential consumer from 13/03/2015. He was billed wrongly for 84 Units /month under “Faulty” Status from Feb. 2020 to Jul.2020, however the meter was working and accumulated consumption was 328 Units in Aug. 2020. The Respondent revised these bills by considering 7 months’ consumption from Feb. 2020 to Aug. 2020 i.e. 47 (328/7) units per month by giving credit of Rs. 3985.73 in Aug. 2020. Thus, the grievance was resolved till Aug. 2020. There is a dispute for the billing of the subsequent period till April 2023. The Respondent applied an average of 75.4 units per month, while the Appellant claims that at the most the consumption could have been in the range of 45 to 55 units per month.

6. The case was discussed in detail regarding maintainability of the grievance as per Regulation 6.6 / 7.9 of MERC (CGRF and EO) Regulations, 2006 / 2020. There was also a



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Secretary
Electricity Ombudsman Mumbai



delay in meter replacement (which was done on 17/04/2023). The Faulty Period of the meter was from Sep. 2020 to Apr. 2023 (32 months). A settlement was initiated by the Electricity Ombudsman considering the various angles of the case and the Covid-19 Pandemic. Both the parties agreed to settle this case, considering average assessment of 55 units per month for the period from Sep. 2020 to Apr. 2023 (32 months). Accordingly, the Respondent is directed as below:

- a. to revise the bill considering average consumption of 55 units per month for the period from Sep. 2020 to Apr. 2023 (32 months).
 - b. to withdraw interest and delayed payment charges from Sep. 2020 onwards till the date of this order.
 - c. to allow the Appellant to pay the revised bill in 3 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.
 - 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.
7. The secretariat of this office is directed to refund the amount of Rs.4000/- taken as deposit to the Respondent for adjusting it in the ensuing bill of the Appellant.
8. The instant Representation is disposed of accordingly.

Sd/
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

