

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 111 OF 2024

In the matter of high billing

Nandkishor V. Kudale.....Appellant
(Consumer No.029470616375)

V/s.

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

Appearances:

Appellant : Mahadeo Dasu Pawar, Representative

Respondent: 1. D. M. Satpute, Acting Executive Engineer, Panvel (U) Dn.
2. Chandrakant Dahifale, Addl. Exe. Engineer, Kharghar Sub-Dn.


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

Date of hearing: 12th July 2024

Date of Order : 25th July 2024

ORDER

This Representation was filed on 19th 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 14th May


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2024 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum) in Case No. 151 of 2023-24. The Forum by its order partly allowed the grievance application of the Appellant. The operative part of the order is quoted below:

The bill issued in the month of Nov. 2022 is hereby quashed and set aside.

- 1. The Respondent is directed to revise the bill for the period from Dec. 2022 to 27.11.2023 as per actual meter reading with bifurcating the actual consumption of 7177 units with applicable slab benefit.*
- 2. The Revised bill should be issued without Interest, DPC or penalty levied if any.*
- 3. The excess amount paid by the Applicant, if any should be refunded as a credit in the subsequent bills of the Applicant.*
- 4. The Respondent is directed to give the installments for payment of the revised bill if the Applicant so desires.*
- 5. The Respondent Utility is directed to take action against the concerned employee for taking wrong entries of meter readings in the billing record.*


2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical/e-hearing was held on 12/07/2024. The Appellant was physically present, while the Respondent attended the hearing through Video Conference. Both the parties were heard at length. The written submissions and arguments of the Appellant are stated in brief 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. 029470616375) from 22/10/2012 at 1203, Siddhi Grandeur, Plot No. 80, Sector-19, Kharghar with sanctioned load of 6 KW load.


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- (i) The Appellant is regular in the payment of electricity bills. The Respondent issued bills correctly up to the month of April 2020. The bills were in the range of 380 to 800 units per month considering winter, summer and rainy season.
- (ii) The Appellant suddenly received a high bill of Rs.51,560/- for 2743 units in the month of Nov. 2023. Hence, the Appellant submitted a complaint of high bill in Dec. 2023 at the Respondent's Sub-division office. The Appellant received a further high bill of Rs. 35,200/- for 1871 units in Dec. 2023. These are the basic issues which generated the grievance. The Appellant paid these high bills under protest to avoid disconnection of power supply.
- (iii) After that, when the Appellant studied the CPL, it was observed that the Appellant was under billed for the period from Aug. 2021 (Initial Reading 47,371 KWH) to Nov. 2022 (Final Reading 52,169 KWH), and the Appellant was billed with average consumption of 388 units for the period from Dec. 2022 to Sep. 2023, and for 429 units in Oct. 2023.
- (iv) The grievance was not resolved by the Respondent in true spirit. The Appellant filed a grievance application in the Forum on 14/05/2024. The Forum by its order dated 14/05/2024 partly allowed the grievance application. The operative part of the order is quoted in the First Para. The Forum failed to understand that the Appellant never agitated for the bill payment as per consumption. The reading agency of the Respondent underbilled the Appellant for the period from Aug. 2021 to Nov. 2022, and the Appellant was billed with average consumption of 388 units for the period from Dec. 2022 to Sep. 2023, and for 429 units in Oct. 2023. The Respondent has created this grievance without any reason. The Respondent claimed that the meter is functioning properly, then how was the consumer underbilled, and why billed with


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faulty status? Why was the grievance created? The Appellant had to run from pillar to post to resolve the grievance for the last several months without any substantial reason.

- (v) The bill revision done by MSEDCL is based on a wrong assumption. The Appellant has paid excessively more than Rs. 50,000/- considering MSEDCL bill revision.
- (vi) The Appellant prays that the Respondent be directed to bill the Appellant for the period from **April 2021 to Dec. 2023** for accumulated consumption, **and the slab benefit be extended for the said period**. The interest and delayed payment charges be withdrawn totally.

3. The Respondent filed its reply dated 09/07/2024. The Respondent's submissions and arguments are stated as below.

- (i) The Appellant is a LT consumer (No. 029470616375) from 22/10/2012 at the address mentioned in Para 2(i).
- (ii) The Appellant was billed as per actual meter reading of 52169 KWH (Meter No. 07805461177) up to the month of Nov. 2022 as per Consumer Personal Ledger (CPL).
- (iii) The important abstracts of the Consumer Personal Ledger of the Consumer are charted as below (as prepared by the Ombudsman office):-

Table1:


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Year/ Month	2020-21				2021-22				2022-23			
	Previous Reading (KWH)	Current Reading (KWH)	Units Billed	Status	Previous Reading (KWH)	Current Reading (KWH)	Units Billed	Status	Previous Reading (KWH)	Current Reading (KWH)	Units Billed	Status
Apr.	38478	38478	352	R.N.A.	44855	45564	709	Normal	49169	49602	433	Normal
May	38478	38478	352	R.N.A.	45564	46306	742	Normal	49602	49981	379	Normal
Jun.	38478	40574	2096*	Normal	46306	46888	582	Normal	49981	50354	373	Normal
Jul.	40574	41078	504	Normal	46888	47371	483	Normal	50354	50689	335	Normal
Aug.	41078	41618	540	Normal	47371	47626	255	Normal	50689	51004	315	Normal
Sep.	41618	42166	548	Normal	47626	47865	239	Normal	51004	51302	298	Normal
Oct.	42166	42589	423	Normal	47865	48131	266	Normal	51302	51731	429	Normal
Nov.	42589	43161	572	Normal	48131	48392	261	Normal	51731	52169	438	Normal
Dec.	43161	43659	498	Normal	48392	48594	202	Normal	52169	52169	388	Faulty
Jan.	43659	44059	400	Normal	48594	48778	184	Normal	52169	52169	388	Faulty
Feb.	44059	44397	338	Normal	48778	48937	159	Normal	52169	52169	388	Faulty
Mar.	44397	44855	458	Normal	48937	49169	232	Normal	52169	52169	388	Faulty
	Total		6833		Total		4314		Total		4552	
	Avg/Mth		569		Avg/Mth		360		Avg/Mth		379	
Year/ Month	2023-24				2024-25							
	Previous	Current	Units	Status	Previous	Current	Units	Status				
Apr.	52169	52169	388	Faulty	1890	2535	645	Normal				
May	52169	52169	388	Faulty	2535	3381	846	Normal				
Jun.	52169	52169	388	Faulty	3381	4295	914	Normal				
Jul.	52169	52169	388	Faulty								
Aug.	52169	52169	388	Faulty								
Sep.	52169	52169	388	Faulty								
Oct.	52169	52169	388	Faulty								
Nov.	52169	54192	2743	Normal								
Dec.	0	476	1871	Normal								
Jan.	476	1001	525	Normal								
Feb.	1001	1373	372	Normal								
Mar.	1373	1890	517	Normal								
	Total		8744		Total		2405					
	Avg/Mth		729		Avg/Mth		802					

*The accumulated consumption of 2096 units for three months from Apr. to Jun. 2020.

2. The Appellant was billed with Faulty Status from Dec. 2022 to Oct. 2023.


- (ii) The Appellant was billed on average basis of 388 units per month consumption with “**Faulty**” Status (based on average of previous three months) for the period from Dec. 2022 to Oct. 2023 as shown in Table 1. Reportedly there was no display on the meter during this period.
- (iii) The Respondent inspected the premises on 27/10/2023. During inspection it was observed that the meter (No.07805461177) was working with reading of 58652 KWH.


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[Note: There seems to be a contradiction in the Respondent's stand. On the one hand, it claims that there was no display on the meter, and on the other hand it claims that the meter was working.] Therefore, a supplementary bill of Rs. 49,520/- for 2743 units was issued to the Appellant on 06.11.2023 for underbilling during the faulty period. A copy of the Spot Inspection Report and Provisional bill dated 06.11.2023 are kept on record. *[Note: The Report did not indicate that there was a display problem.]*

- (iv) On 20.11.2023, when the meter reading was taken by the meter reader, the current meter reading was 59253 KWH. However, the Appellant was billed up to only 52169 KWH in Nov. 2023. Therefore there was unbilled consumption of 7084 units i.e., (59253-52169=7084). The consumer was billed on an average basis during the period from Dec. 2022 to Oct. 2023 for 4341 units only. Hence the unbilled consumption of 10 months of 2743 units i.e. (7084-4341=2743) was billed in the month of Nov.2023.
- (v) There was unbilled consumption of 2743 units; therefore (though the current reading was 59253 KWH) the bill for Nov.2023 was generated with monthly current reading as 54912 KWH i.e. (52169+2743=54912) to avoid abnormal bill. Thus the Nov.2023 bill was charged of Rs.51,560/- for 2743 units. Slab benefit from Dec.2022 to Nov.2023 was given with credit B80 of Rs. 4880/- passed in the said bill. Therefore, the payable bill of Nov.2023 was Rs.46,682/-.
- (vi) The Meter No. 07805461177 was tested on 30.11.2023. The test results found the meter in order. However, on the request of the consumer, the said meter was replaced on 27/11/2023 (Final Reading: 59346 KWH) by a new Meter (No. 6502553742) with an initial reading of 00001 KWH.
- (vii) In the month of Dec.2023, the consumer should have been billed for 569 (=93+ 476) units (old meter final consumption of 93 units and new meter No. 6502553742 consumption of 476 units). Hence credit B-80 was taken against the wrong bill of 1871 units in the month of Dec.2023, & a revised bill was issued of Rs. 8920/- to the


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Appellant. (The credit of Rs. 26,280/-(B-80 Revision) was already given to the Appellant on 29/12/2023.)

- (viii) The average billing and unbilled units were charged to the consumer according to MSEDCL norms i.e. giving slab benefit through unit bifurcation from Dec.2022 to Nov.2023. The Respondent took proper measures in order to provide benefit to the consumer against unbilled units since Dec.2022. **The consumer was billed up to Nov.2022 with meter reading 52169 KWH, therefore there is no requirement of Bill Revision from Apr.2020 to Nov. 2022 as demanded by the Appellant.**
- (ix) The Appellant filed a grievance application in the Forum on 21/02/2024 which by its order dated 14/05/2024 partly allowed the grievance application. The operative part of the order is quoted in First Para. The Forum has considered all the points of facts and law, therefore its order needs no interference.
- (x) The period of unbilled consumption is restricted to Dec.2022 to Oct. 2023 i.e. 11 months. Therefore the Appellant is not hit by Section 56(2) of the Electricity Act, 2003, and hence is recoverable.
- (xi) In view of the above, the Respondent prays that the representation of the Appellant be rejected.

Analysis and Ruling

4. Heard both the parties and perused the documents on record. The Appellant is a residential consumer ((No. 029470616375) from 22/10/2012 at the address mentioned in Para 2(i).

5. The Appellant contended that he was underbilled for the period from Aug. 2021 to Oct. 2022, and was billed on average basis of 388 units per month with “**Faulty**” Status for the period from Dec. 2022 to Sep. 2023, and for 429 units in Oct.2023 though the meter was working. The Appellant was billed with accumulated consumption of 2743 units for Rs.51,560/- in Nov. 2023. The Appellant was further billed for Rs. 35,200/- for 1871 units in Dec. 2023. The bill was revised


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only for the faulty period, and did not consider the under-billing period from Aug. 2021 to Oct. 2022.

6. The Respondent contended that the meter was working and the Appellant was billed as per actual meter reading up to Nov. 2022. The Appellant was underbilled under “Faulty” Status for the period from Dec. 2022 to Sep. 2023 per month, and for 429 units in Oct. 2023, though the meter was working. The accumulated consumption of 2743 units was split up for the period from Dec. 2022 to Nov. 2023. The bill of Dec. 2023 was revised for 568 units (93 units of old meter and 476 units on new meter) from 1871 units (Rs. 35,200/-). The credit of Rs. 26,280/-(B-80 Revision) was already given to the Appellant on 29/12/2023. The display of the meter was intermittently working, and hence the Appellant was (mistakenly) billed with Faulty Status.

7. The consumption pattern of the Appellant as per CPL is tabulated in Table 1. The Appellant was billed with comparatively lesser units of 4798 (= 52,169-47,371) units for the period from Aug. 2021 (Initial Reading 47,371 KWH) to Nov. 2022 (Final Reading 52,169 KWH). The average consumption per month comes to 300 units per month for 16 months.

8. While going through the CPL, it is observed that there is no consistency or logic in the billing from Aug. 2021 onwards. The reason given for ‘Faulty’ Status billing for a long period from Dec. 2022 to Oct. 2023 is doubtful. The photo of the meter kept on record did not specify the reading of KWH counter of the meter and is also blurred. Hence, the underbilling was also doubtful.

9. The Appellant was correctly billed with an average of 569 units per month for the period from April 2020 to March 2021 as shown in Table 1. Hence the benefit of extending the underbilling period should be given to the Appellant. The initial reading of Aug 2021 was 47371 KWH, and the Final reading of Nov. 2023 was 59253 KWH (20/11/2023). The Appellant should


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be billed for 11882 =(59253-47371) units for the period from Aug. 2021 to Nov. 2023 (28 months with average of 424 units per month.).

10. The bill revision of Dec. 2023 was correctly done. Therefore that part requires no amendment.


11. This is line with the Judgment of the Hon'ble Supreme Court in Civil Appeal No. 7235 of 2009 in case of M/s. Prem Cottex V/s. Uttar Haryana Bijli Vitran Nigam Ltd. which has ruled that the consumed units are to be recovered for escaped billing.

12. Hence the Respondent is directed as below: -

- a. to revise the bill of the Appellant considering the consumption of 424 units per month for the period from Aug. 2021 to Nov. 2023 without any interest and delayed payment charges if any levied.
- b. The credit be passed on the Appellant's ensuing bill as the Appellant has already paid the disputed bill of Nov. 2023 under protest.
- c. The 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.

13. The Forum's order is modified to the extent above. The instant Representation is disposed of accordingly.

Sd/
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