

## BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

### REPRESENTATION NO. 129 OF 2024

In the matter of abnormal billing in July and Aug. 2023

Hemant R. Kshirsagar .....Appellant  
(Consumer No. 000014043659)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Thane 2 Dn..... Respondent  
(MSEDCL)

Appearances:

Appellant : Harish H. Kshirsagar, Son

Respondent: Rajesh Masane, Addl. Executive Engineer, Power House Sub/dn.


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

Date of hearing: 1<sup>st</sup> October 2024

Date of Order : 21<sup>st</sup> October 2024

### ORDER

This Representation was filed on 7<sup>th</sup> August 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 9<sup>th</sup> May 2024 and corrigendum order dated 14<sup>th</sup> May 2024 passed by the Consumer Grievance Redressal Forum, Bhandup (the Forum) in Case No. 159 of 2023-24. The Forum by its order partly allowed the grievance application of the Appellant. The operative part of the order is reproduced below:

  
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- “2. The Respondent is directed to revise the bill for the period from September 2022 to August 2023 by bifurcating the total 2884 units from Sept.2022 to August 2023.
3. The Respondent is directed to give installments for payment of the pending arrears if the Applicant so desires.
4. The Respondent is directed to test the meter at National Accreditation Board for Testing and Calibration Laboratory (NABL) subject to payment of meter testing charges borne by the Applicant.
5. Other prayers of the Applicant are rejected.”

2. Aggrieved by the order of the Forum, the Appellant has filed this representation. A physical / online hearing was held on 01/10/2024. The Respondent attended the hearing through video conferencing and the Appellant was present physically. Both the parties were heard at length. The Respondent filed its reply dated 23/08/2024. 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 12/07/1996. The details of the consumer number, sanctioned load, address etc. are tabulated below:

Table 1

Name of Consumer	Consumer No.	Address	Sanctioned Load	Date of Supply	Purpose
Hemant R. Kshirsagar	000014043659	102, Kshirsagar Apartment, Jambhali Naka, Old Mumbai, Thane (w).	0.5 KW	12-07-1996	Residential

His normal pattern of consumption was in the range of 100 to 200 units per month.


- (ii) The Appellant verbally complained of high billing of 1197 (= 11911-10714 KWH) units in July 2023 amounting to Rs.20,420/- on 01.08.2023 at Sub/dn. office. The Asst.

  
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Engineer of the Respondent submitted meter reading verification report on 01.08.2023. The actual meter photo reading was 11767 KWH on 21.07.2023, however it was wrongly entered as 11911 KWH. The actual consumption was 1053 (= 11767-10714 KWH) units. Accordingly the bill was revised and credit of Rs. 2796/- for 144 (= 11911-11767 KWH) units was given in the bill of Aug. 2023. Thus the issue of high bill of July 2023 was settled.

- (iii) The bill of Aug. 2023 was generated of Rs. 5667.34 for 438 (= 12205-11767 KWH) units as per actual consumption. The Appellant did not pay the bills of July & Aug. 2023. The accumulated arrears were increased to Rs. 23,250/- in Aug. 2023 with interest.
- (iv) As per the consumer's application dated 28.08.2023 and 11.09.2023, the meter (No. 08203028027 of Pal Mohan Make) was checked on 27.09.2023 with an Accucheck machine on site. The Test Results of the meter were found in order. The consumer was informed accordingly by letter dated 11.10.2023. However, the Appellant submitted another written complaint dated 13.10.2023 for excess billing in July and Aug. 2023. The Respondent advised the consumer to get the meter tested in a Meter Testing Laboratory on 29.11.2023 if he has any doubt about the accuracy of the meter. **The Appellant requested to check the possibility of unauthorized tapping/theft vide letter dated 27.12.2023. However, the responsibility of unauthorized tapping, if any, beyond meter outgoing terminals is that of the Appellant and not the Licensee,** which was informed accordingly. The Respondent denies the alleged involvement of MSEDCL Staff regarding less consumption of some other consumer in the building.
- (v) **The Laboratory Testing of the same meter was carried out on 21.02.2024. The Test Results of the meter were found in order, which was informed to the Appellant on 21.03.2024.**
- (vi) By Feb.2024, the accumulated outstanding dues increased to Rs.30, 940/-. Since the Appellant did not pay any bill from July 2023 onwards, a disconnection notice through digital SMS was sent to consumer's registered mobile number dated 14.02.2024 & 19.03.2024 as per Section 56(1) of the Electricity Act, 2003 (the Act), & the consumer


  
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was temporarily disconnected on 12.03.2024 by Assistant Engineer, Uthalsar Section. The Appellant paid Rs.10,000/- on 13.05.2024 towards part payment. The supply of the Appellant was reconnected immediately.

- (vii) The bill of July 2023 had already been revised as per actual reading. The Appellant was billed as per the actual meter reading from August 2023 onwards. The consumer was informed accordingly from time to time. All the bills issued were as per the energy actually consumed by the Appellant which is reflected in the Consumer's Personal Ledger (CPL). The same meter is working till date in the premises.
- (viii) The Appellant filed a grievance application in the Forum on 14.03.2024. The Forum by its order dated 09.05.2024 & Corrigendum order dated 14.05.2024 directed to revise the bill, as produced in the first para. The Respondent has complied with the order of the Forum. A credit of Rs.5633.76 was given in his electricity bill in the month of July 2024 as per the order of the Forum.
- (ix) The Forum by its order dated 09.05.2024 and corrigendum order dated 14.05.2024 disposed of the grievance application. The Appellant was supposed to file a representation on/or before 14.07.2024, however, he filed it on 07.08.2024. The representation is technically time-barred, and no reason for the delay was given. *[Note: The Appellant verbally requested to condone delay of 23 days, being a Senior Citizen. Accordingly the delay was condoned.]*
- (x) There are many factors which may have suddenly increased electricity consumption of the consumer in July and August 2023, such as
- Unauthorized extension of load to others,
  - Unauthorized tapping, checking which is the responsibility of the consumer,
  - 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 make of Pal Mohan to run fast for a specific period of two months and work normally or accurately thereafter.

  
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- (xi) 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)


*“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:”*

- (xii) The Respondent inspected the premises of the Appellant on 23.09.2024 as per directives from the Secretary of the Electricity Ombudsman (Mumbai). The connected load was found to be 2-Tubelights, 3-Fans, 1- Washing Machine, 1- refrigerator, and 1- TV. The premises is a one BHK flat, and the meter was working with a reading of 13547 KWH.
- (xiii) It is understood that the consumer is a senior citizen having four family members, all Senior Citizens. However, the rules do not permit to revise a high bill without justification, as the Appellant has actually consumed these units in July & Aug. 2023. In view of the above, the Respondent prays that the representation of the Appellant be rejected.

3. The submissions and arguments of the Appellant are as below: -

- (i) The Appellant is a residential consumer from 12.07.1996. The Appellant is a senior citizen, 75 years old, having four members in the family (all senior citizens). The Appellant is regular in the payment of electricity bills. The Respondent issued bills correctly up to the month of June 2023. **The bills were in the range of 80 to 200 units per month for the period from April 2021 till date, except July & Aug. 2023.**
- (ii) The Appellant suddenly received a bill of Rs.20,420/- for 1197 units in July 2023 which is nearly six times higher than normal bill. Hence, the Appellant submitted a complaint of high bill verbally on 01.08.2023. The Respondent did not give a proper response. The Appellant filed a written complaint on 28.08.2023 at the Respondent’s Sub-division office for testing the meter. However the Respondent

  
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insisted that the meter accuracy was found in order in testing. MSEDCL's investigation primarily relies on the assumption that the electric meter functions correctly.

- (iii) The Respondent did not answer the verbal complaint, did not respond in time for a detailed inspection, and did not help to detect a possible unauthorized tapping.
- (iv) The Appellant filed a grievance application in the Forum on 14.03.2024. The Forum by its order partly allowed the grievance application, but failed to understand the basic issue that such abnormal consumption could not be consumed by the Appellant, as the connected load in one BHK is as follows:  
2-Tubelights, 3-Fans, 1- Washing Machine, 1- refrigerator, and 1- TV. The Appellant argued that such abnormal consumption of 1197 and 438 units in July/August 2023 is impossible. The Appellant is a senior citizen (aged 75 years) and has gone through the trauma of these proceedings.
- (v) The Appellant put on record the observation of CPL Report. The average consumption was 143, 132, 143, and 181 units per month for the period of Apr. 2020 to Mar. 2021, Apr. 2021 to Mar. 2022, Apr. 2022 to Mar. 2023 and Apr. 2023 to Jun. 2023 respectively. Considering this average pattern of consumption, the Appellant needs to be billed with 143 units per month for the month July & Aug.2023.
- (vi) In view of the above, the Appellant prays that the Respondent be directed
  - a) to withdraw the abnormal bills of July and Aug. 2023.
  - b) to issue revised bills with established average consumption for the previous three years.
  - c) to waive of interest and delayed payment charges levied till date.

### **Analysis and Ruling**

4. Heard both the parties and perused the documents on record. The Appellant is a residential consumer from 12.07.1996 at the address mentioned in Table 1. The Respondent

  
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issued a high bill of Rs.20,420/- of 1197 units in July 2023. The said bill was revised to Rs.17,624/- as per actual photo reading for 1053 units, and a credit of Rs. 2796/- for 144 units was given in the bill of Aug. 2023. The Appellant also received a bill of Rs. 5667/- for 438 units in Aug. 2023.

5. The meter of Pal Mohan Make (No. 08203028027) was checked on 27.09.2023 with an Accucheck machine at site in the presence of the consumer. The Test Results of the meter were found in order. The consumer's connected load was found as 2-Tubelights, 3-Fans, 1-Washing Machine, 1- refrigerator, and 1- TV.. The consumption pattern of the Appellant as per CPL is tabulated as below:

Year	2021-22	2022-23	2023-24	2024-25
Month	Cons. (Units)	Cons. (Units)	Cons. (Units)	Cons. (Units)
Apr	155	175	161	0
May	173	198	189	0
Jun	164	195	193	118
Jul	144	148	<b>1197 (Revised to 1053 )</b>	143
Aug	188	153	<b>438</b>	138
Sep	92	148	143	
Oct	138	135	150	
Nov	132	126	147	
Dec	120	117	121	
Jan	86	97	0	
Feb	68	95	85	
Mar	118	132	0	
Yearly Total	1578	1719	2680	399
Avg./month	132	143	223	80

6. The Appellant contended that he did not consume 1053 & 438 units in July and August 2023 respectively. The Appellant is a senior citizen, 75 years old, having four family members. Even if the assessment is done on the basis of connected load, it will go up to at the most 200

  
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units and not beyond that. The previous pattern of average consumption per month was about 132 to 143 units per month. He has prayed for revision of the bill as per his previous consumption pattern.


7. On the other hand, the Respondent contended that the consumption was recorded in the meter for July & August 2023 which is totally correct. Digital Meters have to go in for various types of tests during the process of manufacturing as per Indian Standards before starting mass production. Hence, the possibility of jumping of meter reading is not possible. The Respondent has stressed the possibility of unauthorized tapping of the meter in the Society, and/ or defective electric gadgets of the Appellant, which might have been attended to in the meantime. The said meter was also tested at the meter testing Laboratory on 29.11.2023 and the meter test results were found in order.

8. There are many factors which may increase electricity consumption, including poor efficiency and poor maintenance of electric gadgets as well as extensions 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 if there is nothing on record to indicate that the meter was tampered. The meter testing reports also found the meter in order. Thus, we must assume that the meter reading is true and accurate.

9. In the hearing, the Respondent was asked for the assessed monthly consumption pattern of the Appellant considering the load of the Appellant, as per guidelines issued by the Respondent for calculation of assessed consumption. The Respondent admitted that the assessed consumption would be at the most 250 units per month. However, the Respondent declined the possibility of a settlement due to the reasons mentioned earlier.

10. The Forum by its order dated 9<sup>th</sup> May 2024 and corrigendum dated 14<sup>th</sup> May 2024 has already considered bifurcation of accumulated consumption over a period of one year from

  
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Sep. 2022 to Aug. 2023 for giving slab benefit. The Forum's order is reasoned and speaking; however, to give some further relief to the Appellant, the same is modified to extend for two years from Sept. 2021 (initial Reading 7698 KWH) to August 2023 (Final Reading 12205 KWH), with total consumption of 4507 units and an average of 188 units per month, on humanitarian grounds. The Respondent is directed as below:

- a. to bifurcate the consumption of July & August 2023 over a period of two years from Sept. 2021 to August 2023, with total consumption of 4507 units and average of 188 units per month, and to withdraw interest and delayed payment charges from July 2023 onwards till the date of this order.
- b. 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 the defaulter portion, and the Respondent has the liberty to take action as per law.
- 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.

11. The instant Representation is disposed of accordingly.

12. The secretariat of this office is directed to refund the amount of Rs.8000/- only taken as deposit from the Appellant to the Respondent for adjusting in his ensuing bill .

Sd/  
(Vandana Krishna)  
Electricity Ombudsman (Mumbai)

  
(Dilip Dumbre)  
Secretary  
Electricity Ombudsman Mumbai

