

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

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

REPRESENTATION NO. 1 OF 2025

In the matter of billing

Neeta S. Gurnani (User)..... Appellant
(Paramanand Gelomal-Consumer)
Cons. No. 021510152562)

V/s.

Maharashtra State Electricity Distribution Co. Ltd., Ulhas Nagar Dn.1..... Respondent
(MSEDCL)

Appearances:

Appellant : 1. Manoharlal Gurnani
2. J.S. Rajput, Representative

Respondent : S.S. Kulkarni, Executive Engineer


Coram: Vandana Krishna [IAS (Retd.)]

Date of hearing: 12th February 2025

Date of Order : 28th February 2025

ORDER

This Representation was filed on 7th August 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 22nd May 2024 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum). The Appellant paid a statutory deposit of Rs. 5000/- on 9th Sept. 2024 as per Regulation 19.22 (h) of CGRF & EO Regulations 2020. The Representation was registered on


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10th Sept. 2024. The Forum by its order has partly allowed the grievance application in Case No. 019 of 2024. The operative part of the order is reproduced as below:

2. *The licensee is directed to revise the bills issued during the faulty meter-period Dec 2019 to Aug 2023 as per regulation 16.4.1 by considering the average consumption during the healthy period prior to the meter becoming faulty in Dec 2019.*
3. *The licensee is directed to refund the excess paid amount, if any, with interest at the prevailing bank rate.*
4. *The consumer is directed to pay the bill for Dec 2023 which is found correct and normal.*

2. Aggrieved with the order dated 22nd May 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 17th 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	Date of Forum's Order
Parmanand Gelomal	021510152562	Barrack No. 862, Room No. 15, Ulhasnagar 421003	0.5 KW	21.03.1958	Dec. 2019 to Aug. 2023	31.08.2023	22.05.2024

Preliminary Objection:

- (ii) The Respondent stated that the present representation was filed on 7th August 2024 against the order of the Forum dated 22nd May 2024. There is a delay of 17 days in filing the representation as per Regulation 19.1 of CGRF & EO Regulations 2020, hence the Representation is time barred. *[Note: This delay is condoned as per the verbal request of the Appellant]*


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Submissions:

- (iii) The important abstracts of the Consumer Personal Ledger of the Consumer are charted as below (as prepared by the Ombudsman office): -

Table1:

Bill Month	Meter Sr. No.	Previous Reading (KWH)	Current Reading (KWH)	Cons. (Units)	Meter Status	Consumer Status	Payment	Receipt Date
Apr-23	09003212663	13456	13456	20	Faulty	Live		
May-23	09003212663	13456	13456	20	Faulty	Live		
Jun-23	09003212663	13456	13456	20	Faulty	Live	790	28.05.23
Jul-23	09003212663	13456	13456	20	Faulty	Live		
Aug-23	09003212663	13456	13456	20	Faulty	Live	570	04.08.23
Sep-23	09003212663	13456	13456	20	Faulty	Live		
Oct-23	09003212663	13456	13456	20	Faulty	Live		
Nov-23	09003212663	13456	13456	20	Faulty	Live		
Dec-23	09612212614	0	1764	1764 \$	Normal	Live	1130	01.12.23
Jan-24	09612212614	1764	2304	540	Normal	Live		
Feb-24	09612212614	2304	2504	200	Normal	Live		
Mar-24	09612212614	2504	2504	0	Normal	TD		
Note :	1.Meter(No. was replaced by new meter (no.09612212614) on 31.08.2023,							
	2.\$ Accumulated consumption of 1764 units from 31.08. 2023 to Dec. 2023.							


- (iv) The Appellant was billed with average consumption of only 20 units per month for the period Dec. 2019 to Aug. 2023 under Faulty Status, as meter (no. 3212663 of HPL make) of the Appellant was found defective (No Display & MRI Data was downloaded). However, there was an acute shortage of meters due to the Covid-19 Pandemic, hence the meter could not be immediately replaced. The meter of the Appellant was finally replaced by a new meter (no. 12212614 of Bentek make) on 31.08.2023 with initial reading of 0000 KWH. There was a delay in entry of this meter in the system, and this error was finally rectified while entering the data on 21.11.2023. The actual meter reading was found 1764 on 14.12.2023 for Dec. 2023, and the Appellant was billed for accumulated consumption of 1764 units in Dec. 2023 for


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Rs.32,499/-. The Appellant was billed as per actual consumption, and as per actual reading of 540 (= 2304-1764) units in Jan. 2024 & for 200 units in Feb. 2024 (Temporary disconnection on 20/02/2024) as per the Consumer Personal Ledger (CPL) of the Appellant. The Appellant was irregular in payment of the bills and paid Rs. 1130/- on 01.12.2023 but did not pay any bill from 01.12.2023 onwards. The outstanding dues accumulated to Rs. 42,942.05 in Feb. 2024 when the supply was made T.D.

- (v) **The Respondent inspected the premises of the Appellant on 08.02.2024, when it was found that the house is double storeyed and the connected load was found to be 1 Tube light, 2 Bulbs, 1 TV, 1 Washing Machine, 1 Fan, 1 Water Pump Motor and allied load.**
- (vi) The Respondent sent disconnection notices every month as per Section 56(1) of the Electricity Act, 2003 (the Act) by Mobile SMS. The supply of the Appellant was temporarily disconnected on 20.02.2024.
- (vii) The Appellant filed a grievance of high bill with the Forum on 23.02.2024.
- (viii) The bill of the Appellant was revised by bifurcating consumption of 1764 units in 4 months (441 units per month), and credit of Rs. 10358.95 was given in the bill of April 2024.
- (ix) The Forum by its order dated 22.05.2024 allowed the grievance of the Appellant. The operative part of the order is quoted in the First Para. The bill of the Appellant was already revised for accumulated consumption as shown in Para 2
- (x) The bill was also revised to the minimum during the period of faulty meter i.e. Dec 2019 to Aug 2023 as per Regulation 16.4.1 as per the order of the Forum, and credit of Rs. 5352/- was given in the month of July 2024.
- (xi) The Appellant was irregular in payments and did not bother to pay the revised bill. She also did not approach for installments facility. The supply of the Appellant was permanently disconnected on 27.12.2024 for the outstanding dues of Rs. 32,753.75 which was reflected as PD in Jan. 2025 bill.
- (xii) There are many factors which may have suddenly increased her electricity consumption


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- 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. The consumption of the Appellant was recorded as 540 units in Jan. 2024.

- (xiii) In view of the above, the Respondent prays that the Forum has already passed the order in favour of the Appellant, which is fully complied with, making the grievance already resolved. The representation of the Appellant with his prayer for compensation be rejected.

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

- (i) The Appellant is a single-phase Residential consumer (No. 021510152562) as tabulated in Table 1. At present, the Appellant, Neeta S. Gurnani (User) is residing at the above address, and she has filed the present representation.
- (ii) The Respondent issued bills under "Faulty" Status from Dec. 2019 based on average consumption of 20 units per month, as the display of the meter was not functioning. The Respondent failed to replace the meter within the required period of three months.
- (iii) The Respondent replaced the meter only on 31.08.2023. The Appellant received a bill of Rs.32,499/- of Dec. 2023. This new meter (12212614) was issued to Sub-Dn. Office on 03.02.2023, however, utilised on 31.08.2023. There is a possibility that this meter have been used somewhere else and then it was installed to the Appellant.
- (iv) The Appellant filed a grievance application with the Forum on 23.02.2024 with a prayer to revise the bills issued as per Reg. 16.4.1 by giving a refund of the excess paid amount with interest, and also requested to cancel the bill of 1764 units of Dec. 2023. The Forum by its order dated 22.05.2024 partly allowed the grievance application. The operative part is already produced in the first para. The Forum failed


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to understand **the basic issue that consumption of 1764 units is not possible within four months.**


- (v) In view of the above, the Appellant prays that the Respondent be directed
- (a) to cancel the bill of 1764 units of Dec. 2023.
 - (b) to pay suitable compensation in this case.
 - (c) to enquire illegal functioning of sub-Dn. Office.

4. After the hearing, the Respondent was directed to test the meter in Meter Testing Laboratory and to submit the test report to this office. Accordingly, the Respondent tested the said meter in Meter Testing Laboratory in the presence of the Appellant on 27.02.2025. During testing, the meter was found in order.

Analysis and Ruling

5. Heard the parties and perused the documents on record. The dispute relates to accumulated consumption of 1764 units on the new meter (No. 09612212614) for the period from Sep. 2023 to Dec. 2023 (4 months). This average consumption comes to 441 units per month.

6. The Appellant contended that 'faulty status' bills were issued from Dec. 2019 based on average consumption of 20 units per month as the display of the meter (No. 3212663) was not functioning. The Respondent failed to replace the meter within a period of three months, and it was replaced on 31.08.2023. This new meter (No. 12212614) was issued to the Sub-Dn. Office on 03.02.2023, however, it was utilised only on 31.08.2023. There is a possibility that this meter was used somewhere else before it was installed to the Appellant. The Appellant received a bill of Rs.32,499/-of Dec. 2023 for the accumulated consumption of 1764 units. The Appellant did not agree with this bill and filed a grievance application with the Forum on 23.02.2024 with a prayer to revise the bills as per Reg. 16.4.1 by giving a refund of the excess amount paid with interest. The Appellant also requested to cancel the bill of 1764 units of Dec. 2023. The Forum by its order dated 22.05.2024 partly allowed the grievance application and


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directed the Respondent to revise the bill by considering average consumption prior to December 2019. However, the Appellant contends that consumption of 1764 units is not possible within four months.

7. The Respondent contended that the display of the meter was not working from Dec.2019 onwards however it could not be immediately replaced as there was a shortage of meters due to the Covid-19 Pandemic. Meanwhile, the Appellant was billed with average consumption of 20 units per month. The meter of the Appellant was finally replaced by a new meter on 31.08.2023 with initial reading of 0 KWH, & the new meter was entered into the system on 21.11.2023. The actual meter reading was found to be 1764 KWH on 14.12.2023 for Dec. 2023, hence the Appellant was billed for accumulated consumption of 1764 units in Dec. 2023 (for September to December 2023) for Rs. 32,499/-. The Appellant was billed as per actual consumption. But the Appellant did not pay any bill from 01.12.2023 onwards. The bill of the Appellant was revised as per the Forum's order by bifurcating consumption of 1764 units into 4 months (441 units per month), and accordingly credit of Rs. 10,358.95 was given in the bill of April 2024. The bill was also revised to minimum (zero units) during the period of faulty meter i.e. from Dec 2019 to May 2023 as per Regulation 16.4.1, and accordingly credit of Rs.5352/- was given in the month of July 2024. However, the Appellant did not pay even these reduced outstanding dues.

8. We find that the Appellant has already benefited by assumed consumption of only 20 units p.m. for a long period of 36 months from December 2019 to August 2023. The subsequent consumption pattern, after replacement of the meter, indicates that actual average consumption was in the range of 200-540 units p.m. while the previous consumption (April to December 2019) was in the range of 50 – 134 units p.m.

9. The Forum by its order dated 22nd May 2024 has already given relief as per regulation in force which is quoted in the first para. The order of the Forum is a reasoned one. The connection of the Appellant was permanently disconnected in Jan. 2025 for non-payment of


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai




outstanding dues. Considering the facts & circumstances, the Forum's order is modified to the extent below:

The Respondent is directed as under: -

- a) to withdraw interest and delayed payment charges if any from Dec. 2023 onwards till the month of Permanent Disconnection (Jan.2025), and to allow the Appellant to pay the revised bill in 8 equal monthly instalments. After payment of the first installment and statutory reconnection charges, etc., the supply of the Appellant be reconnected. The Appellant has to submit an application for the reconnection of supply.
 - b) If the Appellant fails to pay any further instalment after payment of the first installment, proportionate interest will accrue for the remaining amount, and the Respondent has the liberty to take action as per law.
 - c) Compliance to be submitted within two months from the date of issue of this order.
 - d) The other prayers of the Appellant are rejected.
10. The Representation is disposed of accordingly.
11. The secretariat of this office is directed to refund Rs. 5000/- taken as deposit to the Respondent for adjusting in the Appellant's bill.

Sd/-
(Vandana Krishna)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

