

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 170

Hearing Dt. 29/03/2008

**In the matter of bill revision**

**M/s. Pooja Textile** - Appellant

Vs.

**MSEDCL, Bhiwandi** - Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Pravin Thakkar, Proprietor.

**C - On behalf of Respondent**

- 1) Mr. R.P. Choudhary, Ex. Engr., Bhiwandi circle.
- 2) Mr. Bharate, Asstt. Engr., Bhiwandi Circle.
- 3) Mr. Kele, Manager, M/s. Torrent Power Ltd.

**PREAMBLE :**

The consumer registered his grievance with this Forum on 11<sup>th</sup> Feb. 2008 vide case No. 170. Consumer was aggrieved with the decision of ICGRC order vide letter No. TPL/BWD/ ICGRC/Case NO. 05/order, dtd. 20<sup>th</sup> January 2008. The hearing date was fixed on 28/03/2008 at 03.00 hrs. All the concerned were intimated to attend the hearing with relevant documents. Hearing date was postponed two times.

**CONSUMER'S SAY :**

1) As per consumer's view the grievance regarding the sanction of additional load was already settled by the Nodal Officer, Bhiwandi.

2) Though his premise were in working condition, M/s. TPL gave him average bills from February 2007 to September 2007. He made an application on 19/08/2007 regarding the verification of bill, which was made for average units based on 44 HP connected load in the month of July though he had only 22 HP connected load. He had made the payments of the bill, which was issued on average basis by utility but utility did not refund the interest and DPC amount, which was levied on him by TPL, Bhiwandi. As per SOP regulation 9(9.1) the reading should be taken at last once in every two months for all the consumers other than agriculture.

3) The MERC Regulation No. 15.3 which read as follows :

*"If the meter remains in accessible after two consecutive efforts to effect a meter reading then in addition to any remedy available to the DL under section 163 of the Act the consumer shall be served not less than seven clear working days notice to keep open the premises for taking the meter reading on the day, stated in the notice. Provided that the notice shall also indicate the time at which the authorized representative shall remain present to read the meter. TPL, Bhiwandi has not issued any notice and information and hence he is*

*entitled for the compensation for non reading of meter at Rs. 200/- per month."*

4) His sanctioned load was 10 HP and connected load was 22 HP. But the bill was made by TPL in the month of July-2007 with 44 HP connected load and average bill was made accordingly. This was simply a deficiency of service on the part of TPL. Therefore he was entitled for the compensation due to repeated mental stress and harassment by TPL.

5) During the hearing he pointed out that his meter was in working condition and was replaced unnecessarily replaced. If it was faulty the utility should provide to him meter testing report.

**Prayer of the consumer :**

1) Refund the DPC and interest from Feb-2007 to Feb-2008.

2) Non reading of meter for more than two month, hence compensation as per SOP i.e. Rs. 200/- per month which comes to Rs. 200 x 7 months for IP & IL = Rs. 2800/-.

3) Rs. 25000/- compensation should be awarded for mental tension and harassment.

**UTILITY'S SAY:**

1) The service premises were found locked during the reading cycle due to which the consumer received average bills as per MERC order for power looms @ 150 units/HP/month from March 2007 to August 2007.

2) Consumer had not paid the energy bills.

3) Hence DPC and interest were levied on him.

- 4) Assessed bills of June, July & August 2007 were reversed in Sept-2007 when actual reading was obtained. Hence no correction of bills required.
- 5) As regards replacement of consumer's meter it was not an individual case but all the meters in the jurisdiction of M/s. TPL, Bhiwandi were replaced.
- 6) There is no need to refund the DPC and interest, as the payment of energy bills was not made by consumer.
- 7) 44 HP connected load was mentioned in bill of July-2007, which was due to software problem, which was corrected, in next billing cycle.
- 8) The outstanding dues as on date are Rs. 54878.00.

**OBSERVATIONS:**

- 1) After observing the data sheet submitted by M/s. TPL, it was found that the assessed bills were issued to the consumer from Feb-2007 to August-2007. Further assessed bill was again issued in the month of Oct-2007.
- 2) The average bills were made from June-2007 to August-2007 and due credit was given to the consumer in the month of September-2007 for Rs. 19832/-.
- 3) As the meter was faulty in the month of Feb-2007 to May-2007 utility charged the consumer on the basis of MERC order i.e. 150 units/HP/month in the months of April and May-2007, which comes to 3306 units. In the months of Feb-2007 and March-2007 consumer was billed at lesser units than prescribed.

- 4) Again in the month of October-2007, consumer was issued an average basis bill, which was credited in the next month for Rs. 2614.42.
- 5) Consumer paid Rs. 30,000/- in the month of October 2007 and also in the January 2008.
- 6) It is observed that the CPL (consumer's personal ledger) format prepared by the DF M/s. TPL is unclear and manually prepared. It is hereby firmly directed that the CPL as well as consumer bills should be exactly lines on MSEDCL. This will enable the consumer to understand clearly his energy bills which is his right. This must be completed within a month.
- 7) Utility had explained in the course of hearing with detailed calculation sheet that where the consumer was assessed on average basis the error has been rectified by recalculating as per actual readings and necessary credits were given to the consumer. As consumer was not paid any electricity bills from Feb-2007 to June-2007, hence demand of the consumer of refund of DPC & interest is not tenable.

In this context issuance of energy bills to the consumer on average basis for the month of July & August-2007 by the utility is not in accordance with the prescribed rules and regulation after replacement of meter. Hence it will not be proper to charge a consumer DPC and interest for the bills of month of July & August-2007

- 8) It is true that utility had charged the consumer bills on average basis from February 2007 to August 2007 and again in October 2007 utility rectified the mistake first by replacing meter in June 2007 and gave the bills on considering actual reading in the month of Sept-2007 due credit was also given to the consumer to the subsequent bill. However, utility again gave average bill for the month of Oct-2007. This error was rectified in Nov-2007.

The consumer with the grievance of average billing though rectified with other grievances raised before ICGRU, Bhiwandi in Dec-2007. Although it is in time, the regulation and SOP do not entitle the consumer to get compensation.

### ORDER

- 1) It is true that the consumer has been issued average bill at two intervals, this is an indisciplined working of the utility, which should be strictly avoided hereafter.
- 2) The format of CPL and consumer energy bills should be designed exactly on lines of MSEDCL and computerized positively within two months.
- 3) The consumer should not be charged DPC & interest for the energy bills of July & August-2007.
- 4) The consumer is not entitled to compensation as per SOP as per observation above.
- 5) No compensation is tenable under mental harassment.
- 6) The compliance should be reported to the Forum within 2 months from date of receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9<sup>th</sup> May 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**S.B. WAHANE**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**