

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUR/U/662/2018/02  
Registration No. 2018010001**

Date of Admission : 02.01.2018

Date of Decision : 13.03.2018

Shree Sai Daignostic Center, : COMPLAINANT  
C/o. Dr. Abhay Kasliwal,  
J-16, N-9, Near TV Center Chowk,  
Sharad Hotel Road, HUDCO,  
Aurangabad 431001.  
(Consumer No. 490011313849)

**VERSUS**

The Executive Engineer (Admn) : RESPONDENT  
Nodal Officer, MSEDCL, Urban Circle,  
Aurangabad.

Complainant Representative : Shri HA Kapadia  
Respondent : Smt. R.A. Kulkarni, EE(Admn),  
Urban Circle, Aurangabad

**CORAM**

Smt. Shobha B. Varma, Chairman  
Shri Laxman M. Kakade, Member Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

1) The applicant Shree Sai Diagnostic Center, C/o. Dr. Abhay Kasliwal, J-16, N-9, Near TV Center Chowk, Sharad Hotel Road, HUDCO, Aurangabad is a consumer of Mahavitaran having Consumer No. 490011313849. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 02.01.2018.

**Brief History of the case :-**

The Petitioner has filed the complaint raising following contentions:-

2) The petitioner is medical practitioner and set up his diagnostic center and is a consumer of respondent. Respondent is responsible officer of Maharashtra Electricity Distribution Company which is working as Licensee as per provision of Electricity Act 2003.

3) It is submitted that he has taken electricity connection for his Diagnostic Center in February 1998. The average consumption of the complainant is 300-350 units per month. There was no dispute regarding services provided by the Respondent till July 2017.

1. The Petitioner has submitted that in response to promotion policy declared by Government of India, the complainant decided to install 4 KW Roof Top Solar PV system at his above mentioned premises and accordingly submitted application on 17.02.2017 to the Respondent for grant of permission for installation of Solar Roof Top system.

2. It is submitted that, after inspecting the premises and on receipt of requisite payment, Respondent issued sanction letter for installation of 4 Kw Roof Top P.V. Solar system at above mentioned premises.
3. It is submitted that, since the Net meter along with current transformer etc. were not available with MSEDCL, the complainant was asked to procure three phase CT operated (100/5A) Solar Net meter along with CTS of ratio 100/5 and a three phase whole current meter of current capacity 10-40Amp for Net metering purpose. It is pertinent to note that as per MERC guidelines and MSEDCL circular, the Net meter and generation meters are required to be provided by MSEDCL.
- 4) It is submitted that, as per directives of Respondent, the complainant purchased a Net meter, CTS of ratio 100/5 and a generation meter (10-40 A) and the same was tested by the testing division of Respondent company. The complainant also paid Rs. 4150/ (Rs. 900+2250+1000) towards testing charges of the meters and CTS.
- 5) It is submitted that, after execution of agreement and completion of all other formalities, Respondent installed the Net metering, which includes Solar Net meter( Make: L & T, Sr.No. 16070605), CTS of ratio 100/5 (Make: Hupen, Sr. No. 1505016) and a generation meter (Make L&T, Sr. No. 17023895) at the premises of the complainant on 31.03.2017.

- 6) It is submitted that the commissioning reports dt. 31.03.2017 discloses the import and export reading are 0001 and 0009 respectively.
- 7) It is submitted that, after installation of Solar Net metering, Respondent issued monthly bills i.e. from April 2017 to July 2017 showing meter No. as 055 G0017516 ( Old meter). The initial and final reading was shown as same i.e. 13656. The above fact confirms that respondent, during above mentioned period failed to issue correct bills i.e. as per reading shown on Net meter.
- 8) The complainant was shocked to receive a bill for the month of August 2017 in which the initial and final reading of meter (New meter) was shown as 0001 & 1175 respectively. The bill amount shown was Rs. 13700/.
- 9) It is submitted that, the complainant , on receipt of the said abnormally high bill issued without taking into account solar Export unit, Complainant has submitted her complaint to Respondent on 15.09.2017 and again on Respondent website ([crmhelpdesk @mahadiscom.in](mailto:crmhelpdesk@mahadiscom.in)) on 16.09.2017 and requested to issue revise bill after considering solar generation units.
- 10) It is submitted that, since no cognizance of the complaint dt. 15.09.2017 was taken by Respondent, the complainant once again sent a reminder by email on 29.09.2017 followed by another reminder on 07.11.2017.
- 11) It is submitted that, since Respondent was demanding payment of the disputed bill without resolving the grievance and threatening to disconnect electricity supply on nonpayment, the complainant contacted Joint Director MSEDCL, Aurangabad in the month of Nov. 2017. It is after his intervention , representative of Respondent company visited the premises and inspected the meter . The respondent after inspecting the meters , confirmed that the units

exported by solar system are in excess than the units imported from MSEDCL and therefore no payment is required to made . The representative also promised to issue correct bill in Dec. 2017.

12) It is submitted that, on **22.12.2017** , representative of Respondent Mr. Sapkal along with other staff visited the premises and threaten to disconnect supply if the payment receipt is not shown immediately. The complainant tried to show the correspondence made against the disputed bill. However as the representative was in no mood to listen, the complainant was left with no alternative but to pay the total disputed amount of Rs.18620/.

13) It is submitted that, Respondent even after admitting their own mistake and without settling the grievance , forced the complainant to pay Rs. 18620/ on threat of disconnection, the complainant is compelled to file this present grievance before Forum.

14) It is submitted that, as per MERC guidelines and MSEDCL circular , metering is required to be provided by MSEDCL. Since the complainant has purchased the Net meter including CTS and generation meters, the said amount is required to refunded along with its testing charges.

15) It is prayed to allow the grievance and

1. Respondent may be directed to issue revise bill as per meter reading shown on Net Meter.
2. Respondent may be directed to refund excess amount paid by the complainant along with interest at the rate of 18 % p.a.

3. Respondent may be directed to refund cost of Net meter, Generation meter and testing charges paid towards testing of meter
4. Respondent may be directed to pay compensation of Rs.1/ towards harassment ,mental agony.

16) The Respondent has filed his say (Page No. 31 & 32) on 25.01.2018 and raised the following defence :

1. The consumer Shree Sai Diagnostic Centre (Consumer No. 490011313849) has opted for solar roof top meter in the month of February 2017 & installed the system & MSEDCL extended net metering to him on 31.03.2017.
2. After installation of net meter the required data of change of meter is to be fed to the system & it took 4 months i.e. April to July 2017.
3. As the net metering data feeding to system was new & meter replacement was to be fed from ERP, the bill of consumption through net meter is generated in the month August 2017. For the period April to July 2017 consumer is billed on zero units per month.
4. In the month of August 2017 bill, the import meter reading of the consumer was 1165 & export reading 9 kwh as it was first bill after installation of net meter.
5. Subsequently, from the month of September 2017 onwards the total units import & export, are billed in every month.
6. The consumer is billed on TOD tariff from earlier period. Accordingly TOD data of net meter, import as well as export, is compared through system.

7. As per net metering billing system, credit of export units is to be given if units generated & utilized in same slot. The balance unadjusted units get deposited into banking units of that consumer & credit of those accumulated units is to be given at the end of financial year and at the rate decided by Hon. MERC. (The average cost of power purchase of current year)
8. The latest Spot verification report of the consumer is submitted.
9. From the bill of September 2017 to the month of December 2017, the total import units are 2212 units, total export units are 2238 units & adjustment units are 581 units & units in Bank are 1657 units.
10. The bill is generated for import units after adjustment as per slot and credit of units in bank will be given at the end of financial year. The circular in this regard is enclosed.
11. Only export units adjusted for the month of August 2017 is required to be credited to the consumer as per slotted reading for that month, as per guidelines from competent authority.
12. The bill of accumulated import units is generated after four months due to new billing & meter replacement system. So, It is regretted that, if staff forced the consumer to pay the bill without giving explanation about bill amount, same is regretted.
13. In future care is being taken to give proper billing data / information to consumer in time.
14. Regarding refund of cost of net meter, action is being taken as per circular from their Head Office.

17) The respondent also filed additional say (Page No. 51 & 52) on 30.01.2018 & raised defence with new points not covered in earlier submission :-

1. In the month of August 2017 the import meter reading of the consumer was 1165 Kwh & export reading was 9 kwh, as it was first bill after installation of net meter. With the help of meter reading instrument, history data of last six months is retrieved. It shows that export reading at the time of August billing is (1.9.2017) 1324 Kwh. Import and export reading on 01.09.2017 are as follows:-

Date	Slot	Import	Export
01.09.2017	A Zone	235	0
01.09.2017	B Zone	392	756
01.09.2017	C Zone	158	568
01.09.2017	D Zone	610	0
01.09.2017	Total Kwh	1395	1324

18) The Petitioner has filed rejoinder on 06.02.2018 & submitted that :-

The complainant is in receipt of point wise reply dt. 24.01.2018 and also 2<sup>nd</sup> point wise reply dt. 30.01.2018 filed by Respondent. The complainant raised following new points:-

1. The Petitioner has submitted that, Respondent, in its reply dt. 24.01.2018 ( para-1) has admitted that the meter change report was not fed to the billing system for period of four months. This admitted fact discloses that meter reading of solar exported units was not taken nor the same were adjusted in bills .



2. It is submitted that, at para 4 of its reply ,Respondent has admitted that in the month of August 2017, the bills were issued with import unit as **1175** and export unit as **0009**( Initial reading of 31.03.2017) which discloses that the units exported by solar system from 31.03.2017 till August 2017 were not considered in bill issued for month of August 2017.
3. It is submitted that, in the bill for the month of August 2017, the bill amount shown is Rs. 13700/ which is bill amount of units imported only. If the export units generated from 31.03.2017 to August 2017 would have been considered, the payable bill amount would have less than shown in the bill. This confirms that the bills from August 2017 are wrongly issued by Respondent.
4. It is submitted that, the inspection report dt. 17.01.2018 submitted by respondent . The import and export units recorded by the meter are **2343 and 2421** respectively. This fact confirms that the export units are more than import units and the complainant is not required to pay any amount. However in spite of above facts complainant was forced to pay Rs.18620/ due to threat of disconnection given by the representatives of Respondent company.
5. As regards to issuing of bills on the basis of TOD tariff, the complainant wish to state that he has submitted application on 15.07.2011 for reduction of load from existing 24 kw to 19 kw to M/S GTL Ltd. who was working as Franchisee of Respondent company. The complainant has clearly mentioned in the application that he does not want to opt TOD base tariff as his KVA demand is less and also night consumption i.e. in slot A. (10PM to 6AM) is negligible.

6. It is submitted that, M/S GTL Ltd. accorded approval for reduction of load and changed the tariff from LT II (B) to LTII (A) . It is pertinent to note that LTII(B),LT II (C) tariff are applicable for load above 20 Kw and bills are required to be issued as per TOD tariff. The copy of bills for August -11 to Oct. 2011 showing change in tariff category is annexed herewith along with relevant extract of tariff approved by Hon'ble MERC.
  7. It is submitted that, the copies of bill for Nov.17&Dec.17 which also discloses that the tariff mentioned on the bill is LT II (A) and unit rate charges is as per LT II (A) tariff and not as per TOD tariff.
  8. It is submitted that Respondent has not submitted any reply regarding refund of Net metering cost paid by the consumer which is required to be refunded as per para 7.3 of their own circular.
- 19) The Respondent submitted additional say (Page No. 66) on 15.02.2018 in defence of petitioner's rejoinder dtd. 06.02.2018 & raised new points as follows :-
1. It is submitted that, Point No. 8 & 9 regarding ToD tariff applied to the consumer - Previously consumers sanctioned load was 24 KW and as per MERC tariff provision, consumer having load above 20 is to be billed on ToD tariff. In the month of July 2011 consumer's load reduction done by M/s. GTL, MSEDCL's Dist. Franchisee to 19 KW as per the demand from the consumer.  
  
Accordingly, billing data is changed, however till today the consumer is billed on ToD tariff. ToD tariff is optional to those consumer having load less than 20 KW.

Though the consumer has given application on 15.07.2011 to M/s. GTL regarding ToD tariff not opted, GTL has not made correction & consumer has not followed the issue with M/s. GTL or with MSEDCL. Therefore, existing tariff to the consumer is ToD tariff.

Under net metering, the units are adjusted as per provision of ToD tariff.

2. It is submitted that, the copies of the bills for the period January 2017, February 2017 & December 2017 are attached, which shows ToD tariff charged before & after net metering.
3. It is submitted that, regarding bill revision for the month August 2017 & giving adjustment units as per export units (slotwise) is already replied in say given on 24.01.2018 & 30.01.2018.
4. It is submitted that, reply is given regarding refund of net meter cost bear by the consumer.
5. It is submitted that, Consumer may apply now for change of tariff to non ToD & accordingly action will be initiated as per MSEDCL's provisions.

20) We have perused entire record, heard argument of both parties, following points arise for our determination with our findings thereon for the reasons to follow :-

Sr. No.	POINTS	FINDINGS
1)	Whether bills from April 2017 onwards are required to be revised as per meter reading shown on Net meter?	Yes

2)	Whether refund of excess amount paid by the complainant along with interest at rate of 18% per annum?	After calculation, if excess amount found, it be refunded to the complainant along with interest from the date of payment & as prevailing RBI rate of interest.
3)	Whether the complainant is entitle for Refund of Net meter, Generated meter & Testing charge?	Yes
4)	What order & costs?	As per final order

### **REASONS**

21) **Point No. 1 & 2 :-** The dispute raised by the complainant is about revision of bill as per reading on net meter.

The Solar Net Meter with Sr. No. 16070605 was installed at premises of complainant on 31.03.2017. Meter test report dtd. 30.03.2017 discloses the import and export reading at time of load test are 79.39 Kwh and 36.06 respectively (Page No. 12). Respondent issued monthly bills i.e. from April 2017 to July 2017 showing old meter No. 05560017516 with initial and final reading are same as 13656 Kwh. It clearly indicates that these are average bills i.e. not correct as per Net meter reading.

22) The Respondent has issued Bill for the month of August 2017 with New meter Sr. No. 16070605, with import meter previous reading as on 29.07.2017 is 1 Kwh and current reading on 28.08.2017 is 1175Kwh, also that export reading is 0009Kwh & bank units are Zero (Page No. 21).

The consumption period shown in the bill of August 2017 is wrongly taken, it must be consistent with previous reading on dated 31.03.2017, as net meter is commissioned on said date & current reading taken on dt. 28.08.2017. Respondent's additional say on dated 24.01.2018 shows that, as per billing report of L&T meter Sr. No. 16070605( MRI report), reading on dt. 01.08.2017 fwdwh (import) is 1175.9 KWH & Export is 1107.1 KWH & on dtd. 01.09.2017 fwdwh (import) is 1395 Kwh, & export is 1324 Kwh, it clearly shows that reading for export in the bill of August 2017 is taken wrongly. Hence bill for the month August is wrongly generated, it should be corrected as previous reading on dt.31.03.2017 to current reading on dt. 28.08.2017 with import reading 1395 Kwh & export 1324 KWH (to match MRI data on dt. 01.09.2017). Also respondent accepted that bill for the month of August 2017 will be corrected & credit will be given to consumer.

The bill copy of November 2017 shows adjustment units are 248Kwh, it must be corrected to match with MRI data (meter history data) on Dt. 25.01.2018, with import units 2348 Kwh & export units 2496 Kwh. Hence total bills from April 17 to onwards should be corrected as per MRI data.

23) As to whether the bills of complainant are based on ToD or NON ToD, we would like to point out that, the complainant has submitted application for reduction of connection load 24 KW to 19 KW on 15.07.11 towards GTL franchisee of MSEDCL and GTL had processed application for reduction of load only. Receipt clearly shows that consumer has submitted application for reducing of load only. (Page No. 62). The consumer has not raised any objection regarding Opt of ToD tariff or not & never follow up taken even after load reduction. Also Consumer own purchase net meter ToD type & same is installed and now asking refund of meter cost. Also consumer paid bills up to March 2017 as per TOD tariff i.e. LT-

IIA. It clearly shows that consumer has no objection of TOD tariff .The issue of ToD tariff first comes in picture in his rejoinder dtd. 06.02.2018 regarding his demand of non TOD tariff bills. So we hold that issuance of bill on basis of TOD tariff are correct.

24) As per Circular No. 258 (Page No. 37) regarding ToD tariff installed instructions are given and reproduced here :-

“9.5 The unadjusted net credited Units of electricity as at the end of each financial year shall be purchased by MSEDCL at its Average Cost of Power Purchase as approved by the Commission for that year, within the first month of the following year, At the beginning of each Settlement Period, the cumulative quantum of injected electricity carried forward will be re-set to zero.

9.6 In case the Eligible Consumer is within the ambit of ToD tariff, the electricity consumption in any time block, i.e. peak hours, off-peak hours, etc., shall be first compensated with the quantum of electricity injected in the same time block. Any excess injection over and above the consumption in any other time block in a Billing Cycle shall be accounted as if the excess injection had occurred during off-peak hours.

9.7 MSEDCL shall compute the amount payable to the Eligible Consumer for the excess solar energy purchased by it as specified in Regulation 9.5, and shall provide credit equivalent to the amount payable in the immediately succeeding Billing Cycle.”

Considering the circular and above noted facts, we conclude that energy bills should be revised as per MRI (history) showing exports units with meter ToD tariff from April 2017 & onwards, for export units action should be taken as per Circular No. 258. Hence we answer point No. 1 in affirmative.

25) **Point No. 2 :-** The disputed bill is required to be revised with actual import / export MRI data and adjustment of export units as per commercial circular No. 258, hence it is proper to hold that if any excess amount found that after calculation, it be refunded to consumer from date of payment with RBI prevailing interest rate. We answer point 2 accordingly.

26) **Point No. 3 :-** As per commercial circular 258 (Page No. 35) instructions regarding cost of net meter, testing, are given and reproduced here.

“7.3. The Net Meter in the premises of the Eligible Consumer shall be procured and installed by MSEDCL at its own cost and in accordance with the provisions of the Electricity Supply Code:

If the Eligible Consumer is within the ambit of Time-of-Day ('ToD') Tariff, the Net Meter installed shall be capable of recording ToD consumption and generation. MSEDCL shall replace the meter of an existing Eligible Consumer with a Net Meter.

The Eligible Consumer may opt to procure, at his cost, the Net Meter for testing and installation by the MSEDCL.

7.4. MSEDCL shall be responsible for the supply, installation, testing and maintenance of the metering equipment, and its adherence to the applicable standards and specifications.”

Hence Net Meter, Generation Meter & testing charges (i.e. 900+ 2250+ 1000) shall be refunded. Hence we answer point No. 3 affirmative.

27) Considering above discussion, we proceed to pass following order in reply to Point No.4

**ORDER**

The complaint is hereby allowed in the following terms :-

- 1) The respondent is directed to issue revise bill from April 2017 onwards as per actual import / export reading history data i.e. MRI of meter of L&T meter Sr. No. 16070605 and export unit adjustment as per Commercial Circular 258 dtd. 25.01.2016.
- 2) After calculation, if excess amount of payment is found, then it be refunded to the complainant alongwith prevailing RBI Interest rate & such interest be calculated from the date of payment.
- 3) Cost of Net meter, generation meter & testing charges be refunded.
- 4) Parties to bear their own costs.
- 5) Compliance be reported within 30 days.

Sd/-  
Shobha B. Varma  
Chairman

Sd/-  
Laxman M. Kakade  
Member / Secretary

Sd/  
Vilaschandra S.Kabra  
Member