

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

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

Date :

Case No. 258

Hearing Dt. 24/03/2009, 29/04/2009  
19/05/2009, 03/06/2009

**In the matter of bill dispute and service delivered by utility**

**Shri Quareshi Rais Ahmed Nadir Hussain** - Appellant

Vs.

**MSEDCL/T.P.L. (Bhiwandi)** - Respondent

**Present during the hearing**

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

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Quareshi Rais Ahmed Nadir Hussain, consumer.

**C - On behalf of Respondent**

- 1) Shri S. Anand, Ex. Engr. & Nodal Officer, Bhiwandi.
- 2) Shri Bhagawar, Manager, T.P.L., Bhiwandi.
- 3) Shri J.K. Clerk, A.G.M., T.P.L., Bhiwandi.
- 4) Shri Gautam Gavrav, Executive Legal, T.P.L., Bhiwandi.
- 5) Mrs. Sandhya Iyer, Asstt. Manager, T.P.L., Bhiwandi.

### **Preamble :**

Consumer registered his grievance with this Forum on 18/03/2009 vide case no.258. He made an appeal against the decision given by TPL, Bhiwandi vide reference no. Chairman/TPL/IGRC/BWD/case no. 88/01, dtd. 02/01/2009. First hearing was held on 24/03/2009. During the course of hearing representative of Respondent raised an objection that Shri Quareshi Rais Ahmed Nadir Hussain is not owner of the premises of House no. 217/1 as he had submitted the documents for House no. 217/2. Hence Forum directed to both the parties for joint survey and submits the report of confirmation at early. Next hearing was fixed on 31/03/2009. The Respondent submitted the survey reports on 15/04/2009. Then next hearing was held on 29/04/2009. In this hearing Respondent representative Executive Legal (T.P.L.) Shri G. Gautam requested Forum for postponement of hearing as their technical Officer was on leave. Hence next hearing was fixed on 06/05/2009. On that day only consumer representative pleaded his case and utility pleaded their stand on 15/05/2009. Hence Forum exceeded the limit of 60 days of MERC & Ombudsman Regulation 2006 to decide the case.

### **Consumer say :**

Shri Quareshi Rais Ahmed Nadir Hussain is having three phase power loom connection situated at house no. 217/2, survey no. 114 (part) C.T.S. no. 3987, near Metro Hotel, 4<sup>th</sup> Nizampur 4, Bhiwandi. He purchased this premises in the year 2002 through registered sale deed. He is using this connection vide consumer no. 13010912711.

1) Consumer made an application on 14<sup>th</sup> May 2008 to TPL, which was submitted on 16/06/2008 for wrong tariff. He stated that as per circular no. 375 dtd. 23<sup>rd</sup> June 2003 issued by MSEDCL to solve the issue of actual connected load of the power loom

consumers. As per this circular, utility should inspect the premises of the power loom consumers to determine the actual connected load of each consumer. On this ground his premises was never inspected by utility. Utility is charging him according to sanctioned load of 29 HP. But his actual load is less than 27 HP. Hence he stated that utility should refund him the excessively collected differential amount on account of tariff difference for entire period from year 2000.

2) Accordingly, utility collected excess subsidy, which should be refunded to Govt. of Maharashtra.

3) Again on 25<sup>th</sup> July 2008 he wrote a letter to utility (TPL) explaining the grievance about this matter. In this letter he stated that upto May 2007, his sanctioned load was 10 HP and from June-2007, TPL increased his sanctioned load to 29 HP without informing him. They did not take a load survey for his actual connected load and forcefully pushed him to higher tariff category.

4) He also reiterated that utility (TPL) was charging him the bills on average basis from the day of TPL came into the force in Bhiwandi. Not only that TPL installed a new meter in his premises on 20<sup>th</sup> Jan.-2008 but still upto June-2008, he was getting average bills.

5) He was regularly paying all the bills, which he was getting on average consumption in time. Utility issued him a bill for the month of June-2008 for 0300 and similar odd units consumption for the corresponding month. When he approached utility to accept this disputable bill under protest, Company rejected to accept his bill's part payment.

6) Then consumer wrote a letter on 30<sup>th</sup> July 2008 to conduct a load survey of his premises to determine actual connected load and revise the bills as per actual connected load. He also wrote

another letters dtd. 9<sup>th</sup> August 2008, 19<sup>th</sup> Sept. 2008, 20<sup>th</sup> Sept. 2008 stating that he was paying the bill amount within time under protest.

7) As per his letter on 25<sup>th</sup> July 2008, utility carried out a load survey of his premises and noted that his actual load is 20 HP and partial relief was given to the consumer from July 2008. But they refuse to give him wrongly collected amount in the past for wrongly assessed billing.

8) Utility is not supplying him the harmonic supply as per S.O.P. Regulations 2005 Section 62 of E.A. 2003 and circular no. 50 dtd. 20/08/2006 which is causing him financial loss.

9) New meter was installed in his premises on 26<sup>th</sup> Jan. 2008 but utility had not given him the original test report of the meter and also had not given him the parameter of the existing meter.

10) The utility supplying the electricity with very low voltage, which causes him the financial losses in business. Voltage is well below the prescribed limit as per S.O.P. Regulations 2005.

11) The power factor at the point of supply is also very low, hence causes financial losses.

12) T.P.L. is raising the bills in their name though the franchisees of utility MSEDCL. Original MSEDCL's name is printed in microscopic font i.e. background which is completely wrong practice.

13) The meter is the property of MSEDCL as per distribution franchisee agreement but name of MSEDCL is invisible on the meter

14) Utility TPL is not taking reading through photography system as per circular of MSEDCL issued in this regard

**Prayer of the consumer :**

- 1) To charge him as per actual load and refund of excessively collected amount in the name of tariff difference. It should be decided on merits and refund the interest and penalty as stipulated in sub-section 6 of .
- 2) He is asking for natural justice but TPL was denying him the justice under unwarranted technicalities.
- 3) For his other grievance S.O.P. should be awarded to me and penalized TPL for willful and intentional non compliance of S.O.P. Regulations 2005.
- 4) TPL should explain the reduction of load from 29 HP to 20 HP, whether KVA deem and was considered or related capacity of motor were considered. My actual load is much lesser than 20 HP.
- 5) Compensation of Rs. One lakh should be granted to me for physical, mental and financial harassment for last one year.

**Utility Say (TPL) :**

- 1) Complaint filed by Shri Quareshi Rais Ahmed Nadir Hussain is neither the consumer of service no. 13010912711 nor had filed and documents to show that he is authorized to file the said complaint on behalf of complainant.

The schedule 'A' is signed by Shri Quareshi Rais Ahmed Nadir Hussain, but actual consumer is Shri Manohar Narayan Nikam as per their records.

The address mentioned in his grievance is also mismatching.

2) Shri Quareshi Rais Ahmed Nadir Hussain had filed a similar complaint before CGRF vide case no. 241/08. The said appeal was dismissed on the ground of limitation and for lack of evidences.

3) Utility installed new meter on 23<sup>rd</sup> July 2007 as per clause 4 of Central Electricity Authority Regulation 2006, which requires that all meters should be static meters.

Meter changed slip is already given to the consumer at the time of installation

To best of our knowledge there is no provision of giving test report of the meter to the consumer.

4) Company TPL is not supplying any type of harmonic to the complainants.

5) The voltage is dependent on over all system condition i.e. supply and demand. In our opinion there is no financial loss was occur due to low voltage to the complainant.

6) Power factor at the point of supply is dependent on the nature of consumer's load. The power factor has to be maintained within prescribed limit by the consumer.

7) On same points raised by consumer in para 13 to 15, they would not like to comment. It is not mandatory to utility TPL to take the reading through photography as per applicable regulations.

8) As same type of complaint was raised by complainant vide case no. 241 before CGRF and CGRF dismissed the case, hence

complainant should be penalized for wasting the valuable time of Cell and utility.

9) The Company had carried out the load survey at the consumer's premises and it was found that the load being used at consumer's premises was 24 HP. As per regulations, it is mandatory on the part of consumer to move an application of reduction of load. Though the consumer didn't made any application for reduction of load, the company still showed its bonafide by reducing the load from 29 HP to 24 HP on 7<sup>th</sup> August, merely on the basis of the survey made by the officials of the company. The basic grievance is that the tariff applied to the consumer's service is the tariff for the power loom category above 27 HP, whereas the load at consumer's premise is below 27 HPP. The company would like to clarify that all bills of consumer raised after 7<sup>th</sup> August, 2008 were based on tariff applicable to power loom consumer below 27 HP. Thus, the basic grievance is duly resolved by the company. Further, the company on 16<sup>th</sup> June 2008 had also passed the credit of tariff differential for the months of June and July 08 amounting to Rs. 13108.94 on 18<sup>th</sup> Sept. 08 which was reflected in Sept.-08 bill of consumer. Also, as per the tariff provided by Hon'ble MERC, the billing of any consumer is done as per sanctioned load of the consumer. Thus, the company had rightly billed the consumer as per sanctioned load.

### **Observations :**

1) The case was heard by the Forum for three times and documents on records and facts of case, it reveals as follows :

As per Respondent's view Shri Quareshi Rais Ahmed Nadir Hussain is neither the consumer on this service no. 13010912711 nor he had filed any documents to file this complaint on behalf of the complainant. Not only that but his address on bill is also not matching with his submission papers.

There was a basically dispute about the premises. Hence Forum ordered to held joint inspection with Ward Officer to clear the matter and submit the reply to the Forum. Accordingly joint survey was taken on 09/04/2009 by utility MSEDCL, TPL and consumer's representative Shri Kashid Sayyad and report was submitted with the Forum on 15/04/09 stating that the meter no. installed in this premises is 545214242. From the above report it is clear that Shri Quareshi Rais Ahmed Nadir Hussain is the occupier of the said premises.

Respondent also stated that he is not the consumer as the said premise is not in his name. But consumer submitted his sell deed to the Forum. Forum relied on this submission of Appellant and the matter is proceeded with

From the available record Forum is observed that before April 2005 consumer was having sanctioned load of 10 HP and connected load was 29 HP. The utility as per procedure recovered the requisite charges to regularize the additional load of 19 HP (from 10 HP) from the consumer from June 2003 to April 2005 under head of "penalty on load" and accorded the load sanctioned to 29 HP.

As stated by the Appellant in the application given by consumer on 25<sup>th</sup> July 2008 that upto May 2007 his sanctioned load was 10 HP and from month of June 2007, TPL increased his sanctioned load to 29 HP without any load survey. Since the Appellant is regularize from 10 HP to 29 HP in April 2005 as mentioned above, hence Forum does not find any substance in the plea of Appellant.

In the course of imposition of load penalty (for regularization of load) in the year June 2003 to April 2005, the consumer did not raised any grievance to the Respondent for having additional load which clears that was acceptable to the Appellant.



2) As raised the grievance by the Appellant that his load survey was not carried out by the Respondent directed by its own commercial circular no. 375 of 2003 to verify actual connected load for billing purpose. Forum was astonished to observe that the Appellant approached the Utility's ICGRC and its appellate authority Forum (CGRF) in the year 08-09. He had an avenue of CGRF right from 2005 when it was established.

As per MERC (CGRF & E.O.) Regulation 2006 Regulation 6.6, the Forum states that the Forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action arisen.

In the present case as mentioned above the cause of action was arise in the year 2003 itself, hence MERC regulation and limitation act, Forum is not entitled to entertain the matter being it is time barred as far as this issue is concerned.

3) From the facts and documents on records it is observed that the consumer is billed on average basis from Feb. 2007 to Dec. 2007. As per MERC Regulations, utility is not permitted to charge the consumer on average basis for more than one billing cycle. Hence the bills from Feb 2007 to Dec. 2007 should be rectified by taking last twelve months average consumption readings as per MERC Regulation 15.4.1.

Now from Jan. 2008 i.e. from date of meter replacement to June 2008 consumer is again charged on average basis for which the Respondent reversed the bills as seeing on the records. But DPC and interest is charged to the consumer even after the payment of bill in time, hence Respondent should waived the DPC and interest charged.

Forum also observed that the TPL stated in their submission that there is no provision of giving test report of the meter to the

consumer, which is not in accordance to MERC Regulation no. 14.4.3, which reads as:

*“The distribution licensee shall provide copy of the meter test report to the consumer within a period of two months from the date of request for testing of meter by the consumer.”*

During the course of hearing Appellant showed the receipts of payment of his electric bills made within due time of prompt payment which entitles to get monitory benefit for it but he is deprived of. Hence Forum feels that the benefit of prompt payment should be awarded.

Forum also observed that consumer was billed on average basis from Feb 2007 to June 2008 which attracts the S.O.P. as per Appendix 'A', 7 (1) against the utility for not observing the S.O.P. As per this, utility should read the consumer's meter atleast once in every two months. Considering above it is seen that utility not read the consumer's meter from Feb 2007 to June 2008. Hence compensation for non reading of meter for the first month is Rs. 100/- and followed by Rs. 200/- per month there after.

The records shows that on request of the consumer in the month of June 2008 Respondent carried out the load survey and accordingly reduced the load from 29 HP to 20 HP for billing purpose. Forum observed that for reduction of load of consumer, consumer's consent is needed. Utility cannot reduce his load suo motto. Although utility has corrected the load on request of Appellant, it decline to correct it retrospectively as there is no application for reduction of load in the past.

The survey data submitted by Respondent regarding active power demand of consumer shows that consumer's connected load is around 15 KVAH, which comes to around 20 HP. Also from the data it seems that the power factor is maintained by the consumer

within the permissible limit. However the utility has not submitted data for the system power factor. In case if it not as per prescribed norms, it should be maintained.

Moreover, it is also observed that the voltage level is not maintained by utility within the prescribed tolerance limit but been this data is instantaneous. It is difficult for Forum to impose any S.O.P. norms for want of specific period. The utility should ensure maintenance of prescribed voltage through out in the interest of all the consumers. The respondent stated in the course of hearing that right from it's taking over the franchisee of MSEDCL from Jan 2007, it has brought new equipment, capacitor banks etc. introduced in the system and brought about the considerable supply improvement position including voltage improvement and stopping power failures.

Other issue raised by the Appellant is not grievances in true sense of as per definition.

No claim of compensation is tenable for want of any physical or mental proof hence can't be granted

### **ORDER**

- 1) Bills should be rectified from Feb 2007 to Dec 2007 as mentioned in above observations.
- 2) S.O.P. should be awarded for non reading of meter from Feb 2007 to June 2008 as per Appendix A 7 (i) of MERC Regulation of S.O.P.
- 3) Interest and D.P.C. should be waived and benefit of prompt payment should be awarded as per above mentioned observations.

No orders as to cost and compensation.

Both parties should information according.

Compliance should be reported to the Forum within one month from the date of receipt of these orders.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on.

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**

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**AND I/C CHAIRMAN**  
**CGRF, BHANDUP**