

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

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

Date:

Case No. 87

Hearing Dt. 20/09/2006,
11/10/2006 & 27/10/2008

The consumer Shri S.H. Jain, had put his grievance to this Forum on dated 02/09/2006 which is registered vide case No. 87, dtd. 02/09/2006. Its hearing date is fixed on 20/09/2006. Accordingly, all the concerned were intimated to attend the hearing. As per the request from the consumer's representative, hearing date was refixed on 11/10/2006. The hearing is conducted in presence of Member, Member Secretary & the Chairman of the Forum on dated 11/10/2006. As the hearing date is fixed on 18/10/2006, which is completed on 27/10/2006 as, it was incomplete on 18/10/2006. The representative attending the hearing from the consumer's side & utility are as follows :

Hearing date 11/10/2006

Consumer's side (referred to as appellant)	Utility side (referred to as respondent)
Shri Shakeel Ansari (Consumer's representative)	Shri D.V. Choudhary, Sub-Engr.

Hearing date 11/10/2006

Consumer's side (referred to as appellant)	Utility side (referred to as respondent)
Shri Shakeel Ansari (Consumer's representative)	Shri V.M. Gattewar, Ex.Engr.
	Shri R.M. Rathod, Dy. Ex. Engr.
	Shri R.N. Dhote.

The consumer narrated his grievance as mentioned below :

The consumer Shri S.H. Jain was released three phase industrial connection at house No. 482/1, Gauripada, Bhiwandi for OPL purpose bearing consumer No. IP-13010270795 & lighting connection IL-13010270809. I was regularly paying the energy bill. My grievances are as follows :

- 1) Meter of Industrial connection was replaced in 2001 but the meter replacement copy was not provided to me by the utility & reason for replacement was not communicated.
- 2) I was being billed at the rate of 150 unit/HP/month instead of actual meter reading though meter is working. From the enquiry with the concerned authority it was

explained by him that this consumer is being billed as per MERC's order No. 36/2002. However, this connection does not have any relation with MERC order as it is other than power loom connection. Hence excess unit charged should be refunded.

3) The meter of the said connection is again replaced on 12/06/2008 having final reading 18677 where as on the CPL record we are billed upto 28606 units reading. Reason for its replacement is also not known.

4) In this case misuse of MERCs standing order No. 36/2002 is observed; hence, concerned authority should be penalized.

5) It should be billed as per the tariff application for LTPG not to LD-2 tariff.

6) Capacitor penalty wrongly charged should be refunded.

The representative of utility clarifies the grievance of the consumer as mentioned below :

The consumer Shri S.H. Jain was released three phase industrial connection (OPL) for 10 HP on dated 01/01/1986 & commercial connection of 1 kw on the same day. Both the connections are being billed as per tariff applicable. The consumer was paying the bill regularly upto Dec-05 for Ind. Connection & commercial connection as per the meter reading.

At the initial stage the consumer was provided electromagnetic type whole current meter which was replaced on 02/02/2002 by electronic meter 50/0 A (CT operated) in order to reduce the line loss which was reflected on billing record in the billing month of March 2002 and it was again replaced on 12/06/2006 by adequate capacity of the meter as the old meter was of higher capacity. The final reading of this meter was found as 18677.

1) Both the times, meters were replaced in front of the consumer and his signature was obtained. Neither consumer demanded the copy of MR-2 nor it was felt necessary to hand over the copy of MR-2 to the consumer. However, copy of the same is provided to the consumer as per his demand during the hearing.

2) The meter No. 2052809 with final reading 82199 being electromagnetic meter was replaced by new meter CT operated 50/5 A (electromagnetic) with initial reading 00001 bearing Sr. No. 10488799 on dated 02/02/2002 & meter replacement was reflected in billing record in March 2002 bill. There is no grievance of the consumer for final reading of old meter (meter No. 2052809). The consumer was being issued bill regularly as per the meter reading from March 2002 till Feb-06. However, consumer complained in March 2006 vide his letter dtd. 07/03/2006 that he is being billed for higher consumption as compared to his use & actual unit recorded by the meter. However, he paid all the bills raised as per meter reading upto Dec-05 for both the connections. From the CPL, it is evident that consumer was billed as per meter

reading only, but not as per average basis of 150 unit/HP/month. There is no violation/misuse of MERC order. The meter sr.no. 10488799 CT operated 50/5 A was of higher capacity for 10 HP connected load, hence it was replaced on 12/06/2006 with final reading 18677. However, consumer was billed for meter reading of 28606 as per the CPL record. There is possibility of wrong meter reading or mischief played by the consumer which requires to be confirmed and report will be submitted after confirming the accuracy of meter & its seal condition by testing the said meter for which one week period is required. Hence, Forum is requested to extend the hearing date by one week.

3) The consumer was being billed as per the actual meter reading but not as per the average of 150 units/month/HP. As consumer is metered and billed as per meter reading, average billing as per MERC order 36/2002 for OPL consumer is not applicable, hence not applied. There is no violation of MERC order. Hence question of penalizing the concerned authority does not arise. Therefore, it is requested to Hon'ble Forum to dismiss this point of grievance raised by the consumer.

4) The consumer is released two connections in the said premises one for Ind. OPL & 2nd for lighting meter. Neither, it was pointed out by the consumer nor it was updated in the billing record due to oversight. However, as per the demand of consumer it will be rectified & its billing will be done by clubbing the consumption of both the connection for unit & connected load as per LTPG tariff since date of demand from the consumer though it is time barred for the sake of natural justice.

5) As per the observation from the employees of the company, it was pointed out that there is no capacitor working in his premises, hence, capacitor penalty was being charged since April 2001. On receipt of bill since April-01 till this date consumer did not represent his grievance regarding this issue to the utility as penalty was acceptable to him due to absence of working capacitor against poor power factor. However, the consumer has installed the capacitor & submitted the test report dtd. 01/06/2006. Therefore capacitor penalty will be withdrawn since June-06. Forum is requested to consider the above clarification while issuing the decision order.

Observation of the Forum :

1) From the CPL record, it was noticed that consumer is being billed as per the meter reading since date of installation of meter Sr. No. 2052809 & 10488799 and also meter No. 108465 installed on June-06. The consumer's grievance is associated with the complaint of billing of meter reading of M.S. NO. 10488799, which was provided on 02/02/02 & replaced on 12/06/06. While replacing this meter, final reading was observed as 18677, where as on the billing record consumer was billed upto 28606 meter reading in June-06. A doubt was raised about it by the representative of the utility. Hence respondent was instructed to test this meter for accuracy of meter, seal condition, dishonest abstraction of power though the meter if any etc though there was no observation reported on MR-2 about the meter condition. The said meter was tested in laboratory of utility & result was found OK. Hence, final

reading of the M.S. No. 10488799 after its replacement on 12/06/06 is authentic and considerable for billing instead of the fabricated reading billed which are reflected on the CPL. Thus consumer is billed excess unit of (28606-18677) 9929 units. Hence, consumer should be given credit of 9929 units by distributing this unit from Oct.-05 till June-06 during the month in which abnormal billing is done. The DPC & interest charged on excess unit billed should also be withdrawn.

2) From the CPL record, it is evident that consumer was billed as per the meter reading since date of installation of M.S. No. 10488799 till it's replacement. There was no representation from the consumer since date of its installation till March-06 for wrong meter reading. Also, utility had not billed the consumer on the average basis at the rate of 105 units/HP/month for OPL consumer. As there is no misuse of MERC order consumer demand to penalize the authority is liable for dismissed.

3) In the Industrial premises (OPL Industries) Industrial consumption & lighting meter consumption should be billed as per LTP (G) tariff by clubbing the consumption of Ind. & lighting meter and connected load of both the connection but it is not being done by the utility till this date. Hence, utility is requested to bill both the connections as per LTP (G) tariff from the date of application of the consumer i.e. since 01/04/04 by clubbing the consumption of unit & connected load of both the connections.

4) The consumer is being charged capacitor penalty since April 2001 till this date due to non working of capacitor in his industrial installation. Now the consumer has installed the capacitor on 01/06/06 & is not liable for any capacitor penalty since June-06, even though it is being charged for no faulty of consumer by the utility which is of great concern & to be rectified to avoid any compensation towards such deficiency. However, MERC has issued direction not to charge the capacitor penalty unless it is metered to measure the P.F. vide case No. 18 of 2004 in its order dtd. 15/12/2005. Accordingly, MSEDCL vide its commercial circular No. 25 letter no. PR-3/COS/01226, dtd. 13/01/06 has issued the instruction for its implementation which may please be implemented with immediate effect but it is not being followed up so far.

Provision pertaining to power factor penalty & power actor incentive of MERC order stated above is reproduced below :

Power Factor Penalty :

“PF penalty will be levied only if the PF recording instrument is available and in case of consumer, who have instruments (meters) to measure the power factor, the power factor penalty shall be as follows :

Whenever the average power factor is less than 90% penal charges shall be levied at the rate of 2% (two percent) of the amount of te monthly energy bill (excluding Regulatory Liability Charge, FOCA charge, Demand charge, Electricity Duty) for the first 1% (one percent point) fall in the power factor below 90%, beyond

which the penal charges will be levied at the rate of 1% (one percent point) for each percentage point fall in the power factor below 89%.”

Power Factor Incentive :

“The power factor incentive shall be applicable to those General Motive Power and non domestic consumer only who have opted for the MD based tariff and provided with instruments (meters) to measure the power factor and the same be as follows :

1) Whenever the average power factor is more than 0.95 an incentive will be given to low Tension General Motive Power consumer and Non Domestic consumer who have opted for LTMD based tariff.

2) The said incentive will be at the rate of 1% (one Percent) of the amount of the monthly energy bill (excluding Regulatory Liability Charges, Fixed / Demand Charges FOCA Electricity duty) for every 1% (one percent) improvement in the average power factor above 0.95.

In this case, neither consumer is provided P.F., measuring instrument (meter) nor any relevant documents are produced to prove he poor power factor in the consumer’s installation. Hence, power factor penalty levied to the consumer should be refunded by following the order of MERC order immediately in this respect.

ORDER

1) The consumer should be given credit of (28606-18677) 9929 units as per the observation mentioned above.

2) The connected load & unit recorded by the meters of both the connection (Ind. & Lighting connection) of other than power loom industries should clubbed & billed since 01/04/04. Any amount charged excess should be refunded.

3) Power factor penalty should be withdrawn in pursuance to MERC order dtd. 15/12/05 in case No. 18 of 04

“All the amounts charged against capacitor penalty should be refunded/credited to the consumer immediately”.

4) The compliance of this order should be reported within one month from the date of issued of order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30th of October 2006.

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

G. B. SINGH
MEMBER SECRETARY
CGRF, BHANDUP