

CONSUMER GRIEVANCE REDRESSAL FORUM

THE TATA POWER COMPANY LIMITED

Office: Distribution Customer Services
1st Floor, Dharavi Receiving Station
Near Shalimar Industrial Estate
Matunga, Mumbai 400 019
Phone: 67172710 Fax: 67172730
e-mail: grievance.cell@tatapower.com

Ref.CGRF/TPC/2014/

Date: 23.07.2014

Case No.CG/6/2014

Date of Hearing: 22.07.2014

**In the matter of Mr. Mohammed Shafique M.Hanif Shaikh, (Consumer No. 2049647) V/s The
Tata Power Co. Ltd**

Reg. Redressal of grievance by the Forum and passing of order

This is with reference to the grievance submitted in Schedule-A form to CGRF received on 6.06.2014 and this office letter No.CGRF/TPC/2014/ dated 17.07.2014 wherein CGRF (TPC) granted a personal hearing to Mr. Mohammed Shafique M.Hanif Shaikh, (Consumer No. 2049647) and representatives of TPC Limited on 21st July 2014 at 14:30 Hrs. Due to certain unavoidable circumstances and request from consumer to the chairman CGRF, hearing was conducted on 22nd July 2014 at 14:30 Hrs.

Mr. Mohammed Shafique M.Hanif Shaikh, (Consumer No. 2049647) is having single phase power supply with tariff category LTI – Residential load.

The following persons were present:

CGRF Members:

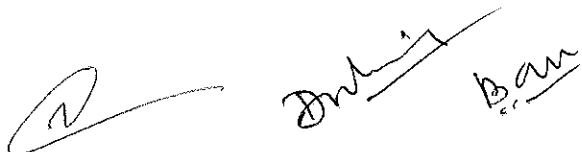
- 1) Mr. D N Singh, Chairperson
- 2) Mr. Bhalchandra A. Naik, Member
- 3) Mr. Vrushal N. Pimple, Member

On behalf of the Complainant:

- 1) Mr. Mohammed Hanif Shaikh(9892894083)
- 2) Mr. Mujafar Ali Shaikh(9892439145)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Sunny Puthran
- 3) Ms. Dhanashree Dabke



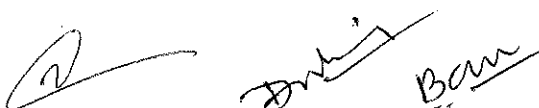
Details of deliberations

Mr. Mohammed Hanif Shaikh the representative of the complainant informed that after two to three months from the installation of new meter in the month of Oct'2012, there was a sudden hike in bills received from the month of April'2013 to Dec'2013. The consumer also complained that hike in bills happened again in the month of April'2014, when meter no. N0031620 was replaced with new meter on 22.11.2013, thereby stating that the meter becomes faulty after recording correct consumption for two to three months. Consumer during the hearing informed that he has not received the copy of Tata Power reply to CGRF which was supplied during the hearing; he read the same and continued with the hearing.

During the hearing consumer enquired about the maximum possible capacity of his meter, to which he was replied that the installed meter was of the rating 10 to 60 amps current thereby proving adequate capacity of meter to take that load. This is also evident from Meter testing reports.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 02.07.2014. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. The customer logged a complaint of high registration on 5th November 2013. Based on his complaint his past consumption pattern was analysed and it was observed that the pattern of Consumption shows no significant variation in comparison to the same period, previous year. This fact was informed to the Consumer vide letter dated 08th November 2013. In the said letter, it was also informed to Consumer that the variation in Consumption can be attributed to seasonal variation and partly due to lifestyle changes.
2. We deny that Tata Power officials refused to accept letter dated 21.11.2103, addressed by Consumer to Tata Power. Even for the sake of argument, if we accept that had Tata Power refused to accept the letter date 21.11.2013, the Consumer had other method of serving the letter dated 21.11.2013 either by Post/ Courier/ email.
3. On 21.11.2013, the Consumer made payment towards meter testing charges for testing the meter in Tata Power laboratory and the meter was replaced on 22.11.2013 for testing the meter in laboratory. The meter was tested in Tata Power laboratory and the same was OK in accuracy.
4. Thereafter on 21.01.2014, the Consumer again wrote a letter to Tata Power stating that after installation of new meter, the Consumer is getting reasonable bills as against exorbitant bills raised during old meter installed in the Consumer premises. Based on this Consumer contended that the old meter is faulty and hence necessary corrections in the bill need to made and the said difference amount has to be credited.
5. Tata Power replied to the said letter dated 21.01.2014 through its letter vide letter dated 29.01.2014., wherein it was informed that the meter was tested in laboratory and the same was found OK in accuracy. Also, on analyzing the consumption pattern, it was observed that the variation in Consumer's consumption was within the limit.
6. Thereafter, being aggrieved, the Consumer approached IGR on 11.02.2014. The said complaint before IGR was entertained and after hearing the Consumer on 11.04.14, the IGR sent reply dated 11.04.2014 to the Consumer. Being aggrieved, the Consumer approached CGRF for redressal of its grievance.
7. With respect to the above complaint, we reiterate the stand taken by us in resolving the complaint of Consumer. The disputed meter vide meter no. N0031620, which was installed during the period, where the Consumer is claiming high registration is found Ok in accuracy and the billing of Consumer is as per actual Consumption recorded by meter



and the same can be confirmed, when compared with consumption of Consumer for similar period of different years. We would like to furnish actual consumption as follows:

Months	Year 2011 (units)	Year 2012 (units)	Year 2013 (units)	Year 2014 (units)
January		542	588	616
February		327	531	638
March		597	683	569
April		1031	942	944
May		1092	1103	1119
June		1188	1143	951
July	840	956	945	
August	782	969	958	
September	906	1010	979	
October	752	1005	991	
November	825	1094	1178	
December	808	656	949	

From the above table, if we compare the consumption for the months disputed by Consumer with the consumption of the Consumer for similar period of different years, it shall confirm that the during similar months for different years, the consumption of Consumer is at par with the Consumption during the disputed period (months) raised by Consumer, thereby confirming the accuracy of meter.

8. We further wish to highlight that earlier also consumer raised complaint about meter, vide meter no. 10385450, (meter prior to disputed meter vide meter no. N0031620) being faulty and because of faulty meter, the Consumer is facing heavy loss. Thereafter, the said meter, vide meter no. 10385450 was tested in laboratory and the same was also found Ok in accuracy. Thus, the Consumer has raised issue of meter being faulty not for the first time through this Complaint/ appeal but had in past claimed the other meter installed for his Consumer number to be faulty. It is a matter of record that twice the Consumer has raised issue of meter being faulty and both the time the meter was found OK in accuracy, when tested in Tata Power laboratory.


Based on documents submitted by The Tata Power Co. Ltd and the outcome of deliberations with the complainant & the representatives of Tata Power, the Forum observed that:

The consumption pattern of consumer has been similar with respect to seasonal variations for three consecutive years. The claim of consumer about meter showing lower consumption immediately on replacement is not evident as after the meter no. 10385450 was replaced on 13.10.2012 and the bills for Oct '12 and Nov '12 are 1005 and 1094 units respectively; this is contrary to his claim that the consumption reduced after replacement of the disputed meter rather the consumption has increased.

In the hearing the half hourly load survey data was also shared with the consumer for Oct '13 showing his energy consumption, where it is clearly evident that consumption of the consumer is high during night time even up to 09:00 AM in the next morning and thereafter it reduces gradually to pick up again during night time. Also it can be deduced from the connected load of the consumer that the above consumption is possible.

Both the meters of consumer were tested by Tata Power and found ok in accuracy.

Forum provided the information that the complainant may insist for testing the meter at any laboratory approved by NABL, if he is not satisfied with the meter testing done at Tata



Power test laboratory. If the complainant agrees to this, then Forum would permit the testing of that meter at NABL approved laboratory. As the complainant did not opt for the same, Forum decided based on the test results and as per the provisions of the regulation to issue the order.

The Forum accepted the argument that the licensee of power cannot exercise control on consumption of power by the consumer.

Regulation 8.1 of the Electricity Supply Code Regulations, 2005 mandates that the Respondent shall not seek entry to the consumer's premises, beyond the point of supply (meter in this case).

In case the meter is found to be running within the permissible limits of error, it becomes obligatory for the consumer to make the payments by the due date, of the bills raised by the Tata Power Co. Ltd., on the basis of the actual readings recorded by the meter

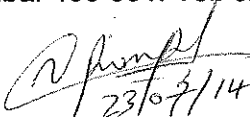
Order from Forum:

In view of the fact that the disputed installed meter has been found to be running accurately within the permissible limits, the complainant is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd.

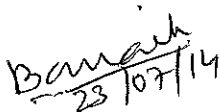
Orders of the Forum are required to be complied within 15 days of the receipt. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005

The grievance of the complainant will stand closed at this stage.

If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606-608, 6th Floor, Keshava Building, Bandra-Kurla Complex, Bandra (E), Mumbai-400 051. Tel: 022-26592965/26590339/30680528.



(Vrushal N. Pimple)
Member



(Bhalchandra A. Naik)
Member



(D.N. Singh)
Chairperson

To

1) Mr. Mohammed Shafique M. Hanif Shaikh,
A/5-2, Kadari Manjil, L.B.S. Marg,
Near Sheetal cinema, Kurla(West)
Mumbai-400070

2) Mr. M. Shenbagam,
Gen. Manager (DCS),
Tata Power Co. Ltd.,
Mumbai 400 019.

Copy to:

- 1) Mr. V. H. Wagle, Dy. Gen. Manager (Regulations), Tata Power Co Ltd., Mumbai
- 2) Mr. Gautam Gaurav, Nodal Officer, Tata Power Co. Ltd., Mumbai