

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
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Ref.CGRF/TPC/2012/

Date: 02.07.2012

Case No.CG/5/2012

Date of Hearing: 06.06.2012

In the matter of Ms. Vidyagauri G. Dhareshwar 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 dated 30.04.2012 submitted in Schedule-A form to CGRF on 04.05.2012 and this office letter No.CGRF/TPC/2012 dated 30.05.2012 wherein CGRF (TPC) granted a personal hearing to Ms. Vidyagauri G. Dhareshwar (Consumer No.2103586) and representatives of TPC Limited on 6th June 2012 at 14.30 Hrs.

Ms. Vidyagauri G. Dhareshwar (Consumer No. 2103586) is having a three meters connection each of single phase power supply with tariff category LT-I –Residential load.

The following were present:

CGRF Members:

- 1) Mr. R V Hegdekar, Chairperson
- 2) Mr. Bhalchandra A. Naik, Member
- 3) Mr. Vrushal N. Pimple, Member

On behalf of Complainant:

- 1) Mr. Gurudatt G. Dhareshwar

On behalf of The Tata Power Company Limited:

- 1) Mr. Gautam Gaurav, Nodal Officer
- 2) Mr. Devanjoy Dey
- 3) Mr. Uttam Jain

Details of deliberations

- 1) Mr. Gurudatt G Dhareshwar, the representative of the complainant and the registered consumer No. 2103586 appeared before the Forum in response to this office letter No. CGRF/TPC/2012 dated 30.05.2012.
- 2) Mr. Gautam Gaurav, the representative of The Tata Power Company Ltd intimated that the complaint before CGRF ought to be rejected as the complaint before the forum is beyond period of limitation. He reiterated that as per regulation 6.4 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman), Regulation 2006, if the consumer is not satisfied with the remedy provided by the IGR cell to his Grievance, then within a period of two (2) months from the date of intimation, the consumer can approach CGRF and submit its grievance. In the present

case, the reply of IGR cell was served upon the Consumer on 23.02.2012. If the Consumer was aggrieved by the reply of IGR cell, the Consumer should have approached CGRF with her grievance on or before 22.04.2012. In the present case, the Consumer had filed her grievance on 4th May 2012, i.e. after a delay of 12 days.

CGRF pointed out that as per the clause 6.4 "The Distribution licensee shall, within the said period of two(2) months, send a written reply to the consumer stating the action it has taken or proposes to take for redressing the Grievance" which clearly puts the **limitation on the Distribution licensee and not on the consumer**. Rather as per clause 6.6, the consumer is allowed to file his grievance to the Forum "within two years from the date on which the cause of action has arisen." Except this, there is no clause that limits the consumer to submit the grievance to the Forum after the written reply of IGR cell received by the consumer.

Therefore the forum admitted the proceedings of the grievance to continue further.

The grievance of the consumer was regarding erroneous meter reading and excess billing as was mentioned in schedule-A form. He further stated that the monthly average consumption for the four billing months (Mar 2011 to June 2011) was 566 units and the average consumption of nine billing months (Aug 2011 to April 2012) came down to 293 units after replacement of Meter Nos. 29527 & 29657 with Meter Nos. L0048676 & L0048677 respectively on 23rd Aug 2011 and Meter No 29658 in disconnected condition since 15th Sept 2011. He remarked that the meter testing method needs improvement as per field requirements and he was unhappy as no attempt/inclination was there to understand actual technical problem.

3. The Tata Power had sent written reply to the Forum as well as to the complainant vide letter dated 18/05/2012 refuting all the allegations made by the complainant. The relevant points reiterated by the representative of the Tata Power are as follows:

a) The Consumer had applied for changeover and as a part of changeover, JMR was carried out on 12/02/2011 and changeover was completed. The Consumer was having three R Infra meters for its premise. At the time of JMR, R Infra meter vide Meter no. 6964308, 7349740 and 7357849 were replaced with TAT29657, TAT29658 and TAT29527. The said process was carried out in confirmation of Consumer.

b) The Consumer made a Complaint that two meters at her premises vide meter no. TAT29657 and TAT29527 were showing increased consumption per day. As per Complaint of Consumer, in Meter no. TAT29527, there was an increase of 2 to 3 units per day and thus the Consumer had disconnected the supply on 25th June and in meter no. TAT29657, there was an increase of 7 to 9 units per day and Consumer had disconnected the supply on 27th June. The Consumer in its complaint claims that meters were fitted without proper authentication and calibration and requested Tata Power to immediately replace these faulty meters with properly calibrated genuine meters. The readings of the meters were checked and thereafter the meter was checked by the Engineer at site and the same was found OK.

The act of Consumer in disconnecting supply to the meter, without any authority is illegal. Tata Power Company reserves its rights to initiate legal action against the Consumer under Electricity Act, 2003.

The consumer clarified that the disconnection was done in his premises i.e. beyond the point of Power supply.

c) The Consumer again made a complaint on 07/07/2011, wherein the Consumer stated that the meters are faulty and she has removed the fuse and even then the readings are advancing in the meters. The engineers again checked the meter at site and the same was found OK. Similar complaints were again made by Consumer in the month of August and September and the Consumer had applied for meter testing of these meters

d) Thereafter, the meter was seized from site for testing in lab and new meters were installed at site in its place. On 26/08/2011, the meters were tested at Tata Power lab. Both the meters vide meter no. TAT29657 and TAT29527 were found OK in accuracy. The data

of the meter was downloaded from MRI and when MRI data was compared with readings in SAP, there was no anomaly found.

e) The Consumer filed Complaint before IGR cell on 1st December, 2011 with details of grievance, status of action taken and nature of relief sought.

The Complaint before IGR was entertained and a detailed investigation was done. The IGR team examined the meter reader's reading sheet, MRI meter reading and cross checked with SAP reading and found them in order. The MRI data was analyzed and found to be OK. The meter was already tested at Tata Power lab and the meter accuracy and recording was found to be ok. The IGR Cell replied to the Consumer through its letter dated 06/02/2012.

f) Being aggrieved by the reply, the Consumer filed the Complaint before this Forum. The allegations mentioned in the applications are denied. The allegations made by the Consumer with respect to meter testing are baseless and are denied. The meter testing lab is authenticated lab and testing is done by Engineers, who are thoroughly trained in meter testing. Meters are tested in LAB as per IS standards. The request made by consumer is not as per IS Standards & cannot be simulated in Lab and hence the meter was not tested as per the request made by the Consumer.

As per comparison, there is no huge variation. It is to be considered that the Consumer had disputed the meters authenticity for the period March 2011 - July 2011, when the consumption is generally high due to summers. If this consumption is compared for year 2009 and 2010, there is no huge variation found. Also, many factors leads to high consumption such seasonal changes, low tariff of Tata Power leading to high consumption, vacation period etc

g) We reiterate that we have examined the meter reader's reading sheet, MRI meter readings and cross checked with SAP reading and found them in order. The MRI data was analyzed and found to be OK. The meters were already tested at lab and the meters accuracy and recordings were found to be ok. Thus, the billing to the consumer is as per actual Consumption recorded by meters (accurate within the accuracy limit) and thus there is no case on merits and thus prayed that the complaint be dismissed with cost.

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 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). Further, Section 55 of The Electricity Act, 2003 mandates that no licensee shall supply electricity, except through installation of a correct meter.

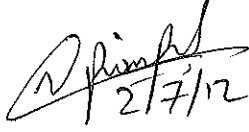
In case the meter is found to be running within the permissible limits of error, it becomes obligatory for the consumer to make the payments by the due date, of the bills raised by the Tata Power Co. Ltd., on the basis of the actual readings recorded by the meter

Order from Forum:

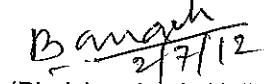
In view of the fact that the installed meters have been found to be running within the permissible limits, the complainant is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd. Orders of the Forum are required to be complied within 15 days of the receipt. The payment of the 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.

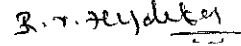
If Consumer is not satisfied with the decision of the Forum, she may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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


2/7/12

(Vrushal N. Pimple)
Member


2/7/12

(Bhaichandra A. Naik)
Member


02/07/2012

(R V Hegdekar)
Chairperson

To

Ms. Vidyagauri G.Dhareshwar, B/7, Blue Sea Apts, Juhu Road, Koliwada, Santacruz (W), Mumbai 400049.

Copy to:

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