

CONSUMER GRIEVANCE REDRESSAL FORUM
THE TATA POWER COMPANY LIMITED

Office: Distribution Customer Services
1st Floor, Dharavi Receiving Station
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Phone: 67172710 Fax: 67172730
e-mail: grievance.cell@tatapower.com

Ref: CGRF/TPC/2016/02

Date: 04/07/2016

Case No.CG/2/2016
Date of Hearing: 10/06/2016

In the matter of MR. Mohammed Y. Wagh, (Consumer No. 900000134455) 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 06/05/2016 and this office letter No.CGRF/TPC/2016/2 dated 26/05/2016 wherein CGRF (TPC) granted a personal hearing to MR. Mohammed Y. Wagh, (Consumer No. 900000134455) and representatives of TPC Limited on 10th June 2016 at 14:30 Hrs.

MR. Mohammed Y. Wagh, (Consumer No. 900000134455) is having power supply with tariff category LTI – Residential load.

The following persons were present:

CGRF Members:

- 1) Mr. D N Singh, Chairperson
- 2) Ms. Varsha Raut, Member
- 3) Mr. Vrushal N. Pimple, Member

On behalf of the Complainant:

- 1) Mr. Mohammed Y. Wagh

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Devanjan Dey

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Details of deliberations

Mr. Mohammed Y. Wagh the complainant informed that he has been complaining regarding excessive and inaccurate billing since October 2014. Then he again complained in December 2014, April 2015 and finally in June 2015. However he could only produce complaint no. 5000280189 which is for complaint made on 20.06.2015. He further accepts that Tata Power has awarded him some compensation on the fact that his meter was defective. However he is not satisfied with the way the compensation has been calculated by Tata Power and expects further compensation.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 19/05/2016. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. At the outset we deny that we have received any complaint on the month of Oct-14 and Dec-14 as mentioned by Consumer in its complaint. The Consumer logged a complaint for high registration on 20th June 2015. Basis, complaint of consumer for high registration, we had gone through your past consumption pattern of the Consumer and observed that the variation in the Consumer consumption may be attributed to seasonal changes and thus closed the complaint. A letter stating above facts was sent to consumer. However, the Consumer logged a complaint with Call Centre executive on 07th October 2015 for high registration and on the same date i.e. 7th October 2015, you applied for testing of meter bearing serial no. TAT03315 at our nearest Customer Relation Centre (CRC). Based on the request for testing of the meter, the meter bearing serial no. TAT03315 has been replaced with meter bearing serial no. G1170808. Further, the testing of the meter was carried out on 23rd October 2015 at our meter testing Lab at Dharavi in presence of the Consumer, wherein the meter was found defective in data analysis. The said data analysis also showed the period, when the meter was found defective. Accordingly a billing correction has been advised by the meter testing team for the period of 7th November 2014 to 7th October 2015.
2. As per data analysis, the meter was faulty for the period 7th November 2014 to 7th October, 2015, based on which necessary correction was done for such period by Tata Power based on average of 12 month consumption prior to 7th November, 2014 which on calculation is 3507 units, which is subtracted from the actual consumption captured during the defectiveness of meter i.e. 7th November, 2014 till date of meter replacement i.e. on 8th October, 2015, i.e. 4853 units, wherein the difference comes to 1346 units. A credit bill for differential units of 1346 (4853-3507) for Rs. was generated under consumer account no. 900000134455 as per the Regulatory guidelines and served upon the Consumer. The credit bill calculation was provided to the Consumer through our communication dated 14th January 2016., after knowing that fact that the meter was faulty for a specific period, necessary correction was provided to the Consumer by the Consumer Relations team.
3. We would like to submit that the 12 months period considered for calculating the average consumption is period immediately prior to the date 7th November, 2014, when the meter was found faulty in data analysis, while testing in the laboratory. This period cannot be taken on a random basis as per consumers request as mentioned in its complaint i.e. from Feb-13 to Jan-14. Further, we would like to add that we have given credit of units for a period when the meter was defective basis the data analysis of the

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meter. The period for correction was 7th November, 2014 to 7th October 2015 and not as desired by Consumer i.e. October 2014 to November-15.

4. Thereafter, the consumer approached IGR vide application dated 5th March, 2016 received on 8th march, 2016. The IGR gave detailed hearing on 22nd March, 2016 and explained the period for which the credit was given and why such period was considered. Post hearing, the IGR gave a detailed reply dated 28th March, 2016. The Consumer being aggrieved by the IGR order approached this Forum.
5. We have already provided the credit units to the Consumer based on the Complaint of consumer. The said credit was explained to the Consumer in person by CR team as well by IGR. However, the Consumer is praying for credit based on his perception, which may not be considered as we have data, which proves that the said meter was faulty for a period from 7th Nov-14 till date of meter replacement.

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 Forum noted the fact that consumer's meter has been found defective and Tata Power has given a credit of 1346 metered units for the same.

Also, the consumption pattern of consumer has been similar with respect to seasonal variations for three consecutive years.

As per MERC Supply Code Regulations, 2005 clause No. 15.4.1

In case of a defective meter the amount of consumers bill shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arisen in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.;

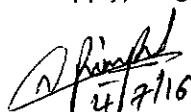
(ii) Proviso- Provided further that in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording upto a maximum period of 3 months, based on the average metered consumption for 12 months immediately preceding the 3 months prior to the month in which the billing is contemplate."

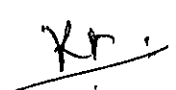
The dispute for the said consumer was raised on 20.06.2015 as per the legitimate records. Hence Tata Power stands liable to give compensation only for a maximum period of 3 months prior to the date of 20.06.2016. However, Tata Power has given a credit for a period from 07th November 2014 to 07th October 2015 based on average consumption of past 12 months prior to 07th November 2014.

Order from Forum:

In view of the fact that Tata Power has already awarded enough credit for the defective meter, 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 30 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


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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



(Varsha Raut)
Member



(D.N. Singh)
Chairperson

To

1) Mr. Mohammed Y Wagh,
203, Green park,
1387 church road, Marol,
Opp Leela Hotel
Andheri (E), Mumbai-400059

2) Mr. Sunil Joglekar,
Chief (DCS),
Tata Power Co. Ltd.,
Matunga (W),
Mumbai 400 019.

Copy to:

- 1) Mr. Bhaskar Sarkar, Head -Business Strategy & Regulations, Tata Power Co Ltd., Mumbai
- 2) Mr. Gautam Gaurav, Nodal Officer, Tata Power Co. Ltd., Mumbai