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**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: 30/05/2014

**Case No.CG/2/2014
Date of Hearing: 21/05/2014**

**In the matter of M/S Precision Plastic Industries Pvt. Ltd 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 on 25/04/2014 and this office letter No.CGRF/TPC/2014 dated 12/05/2014 wherein CGRF (TPC) granted a personal hearing to M/S Precision Plastic Industries Pvt. Ltd (Consumer No.2002699) and representatives of TPC Limited on 21st May 2014 at 14.30 Hrs.

M/S Precision Plastic Industries Pvt. Ltd (Consumer No.2002699) is having three phase power supply with tariff category LTII (b) –Commercial >20 kW and <= 50 kW load.

The following persons 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 the Complainant:

- 1) Mr. M. K.S. Shetty
- 2) Mr. P.R.Kamath
- 3) Ms. Prachi Salvi

On behalf of The Tata Power Company Limited:

- 1) Mr. Manoj D Salvi
- 2) Mr. Gaurav Gautam
- 3) Mr. Ismail N.R.

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Details of deliberations

The consumer had complained about high billing for the month of June 2012 on 09/07/2012. Initially the consumer did not get response at Chadivali and also at Dharavi office. Later an appointment was granted to the consumer in Dharavi office but it could not materialize even though the consumer had come but the concerned officer was not available.

The meter bearing serial number: 9205127 which was installed to record the consumption by the consumer was replaced on 21/07/2012 as a part of mass up-gradation of old meters, without prior intimation to the consumer. During the hearing, the consumer told that he had objected to the replacement of the meter as the dispute was not resolved. The consumer was assured that the said meter would be kept aside for testing. On 27/08/2012, the consumer applied for meter testing of the said meter (Sr.No:9205127) paying the test fees.

However the meter was sent to the manufacturer for up-gradation by Tata Power. The meter test fees were credited to the consumer's account only in the month of August 2013 bill i.e. after about a year and that too without interest.

The consumer applied to IGR Cell of Tata Power on 19/12/2013. Also a letter was addressed to Tata Power on 24/01/2014 demanding refund of Rs.1,03,564/- being the entire bill amount of the month of June 2012. The Head of IGR Cell explained to the representative of the consumer on 13/02/2014 that the high billing for the units consumed in the month of June 2012 was due to adjustment of the under billing for the month of May 2012.

The consumer further added that during the year 2012, monthly consumption as per L&T's downloaded billing report and metered units as per Tata Power monthly bills shows that the old meter was showing continuous increase in consumption every month till June 2012 and the same reduced drastically from July 2012 onwards subsequent to replacing the meter on 21.07.2012. Further the average per day consumption under old meter shows increase from 151 units in Jan 2012 to 272 units in June 2012 and after replacement of meter the average during the next six months reduced to 200 units only. They further informed that their office central AC and other electrical systems were put on at 9am and strictly switched off at 6pm every day and there is no increase or decrease in any power consuming systems and hence there is absolutely no scope for increase in consumption continuously over a period of six months. They therefore intimated that the old meter was malfunctioning and hence Tata Power had suddenly replaced on the pretext of technical up gradation. Also Tata Power had not made available the old meter for testing on the pretext that the same was returned to the manufacturer contrary to Tata Power's earlier assurance and despite paying the testing fees. Based on the facts pointing to the malfunctioning of old replaced meter and consequently excess billing, the consumer requested Forum to direct Tata Power to refund the excess bill amount charged.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 16/05/2014. The relevant points reiterated and corrected based on facts and documents by the representative of the Tata Power during the hearing are as follows:

The customer logged a complaint of high registration for the months of June-12 on 09/07/2012, stating that it has been billed high for the month of June 2012 and there is an increase by 57.11% compared to previous 6 months consumption. The complaint of the Consumer was attended by an engineer, who checked the meter at site and found the meter OK. Further, basis complaint of Consumer regarding excess billing, the data from the Consumer's meter was downloaded and checked, which was found to be in order as no abnormal events were recorded during our analysis. Also, we had checked and verified the meter reading with the downloaded meter data and it was found that the Consumer was

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under billed in the month of May'12 as there was a difference of 78 units from 31st May to 1st June as per the downloaded meter reading data which was adjusted in the Consumer's Jun'12 bill. The present Consumer is billed with a multiplying factor of 20 and if 78 units were under billed for the month of May-12, then after applying multiplying factor, there is actual under billing of 1560 (78x20) units for the month of May-12, which was adjusted in the month of Jun-12.

It is a matter of record that Tata Power in the interest of Consumer and in support of R Infra had carried out a process of mass technical up-gradation by replacing old meters with new meters. These old meters were sent to manufacturer for necessary up-gradation and after up-gradation, the said meters are again installed in the system. In the present case as well, the meter bearing serial number: 9205127 were replaced on 21/07/2012 with a new meter bearing serial number: 10149952 due to technical up-gradation and not based on complaint of Consumer for high registration. The said meter as a process was sent to manufacturer for up-gradation. We wish to clarify that there were huge number of meter replacement along with the meter of Consumer vide meter no. 9205127. Thus the meter was not replaced on behest of complaint of Consumer but under a process of Tata Power of mass replacement for meter up-gradation.

Thereafter, after the meter was replaced under mass replacement for technical up-gradation, the Consumer made a request for meter testing on 27/08/2012 at our Andheri (East) Customer Relation Centre. As there was request for meter testing, as a process our technical team visited the Consumer's premises on 11/09/2012 for replacing the meter at site. But at site, it was informed by the Consumer's representative (Ms. Prachi) that the request for meter testing was for the old meter (9205127) and not the new meter (10149952) installed at the Consumer's premise. As the old meter was replaced on 21/07/2012 and sent to manufacturer for up-gradation, before receiving the request for meter testing, the said meter vide meter no. 9205127 could not be tested in our laboratory and hence as we could not test the old meter of the Consumer, we have credited the meter testing of Rs. 300/- to the consumer's account. The said old meter of Consumer is up-graded at the manufacturer place and at present the same is installed in the system of Tata Power to other Consumer of Tata Power.

From the table given by Tata Power in their reply to the forum it is amply clear that the Consumption of Consumer during three months i.e. April, May and June is always towards higher side. Further, we have already clarified in our earlier paragraphs that for the month of May-12 bill, the Consumer was under billed for 1560 units, which were adjusted in the Consumer's Jun'12 bill. Thus, the following bills would have been raised if the Consumer would not have been under billed in the month of May-12:

May12 – 6890 units +1560 [78 units x 20 MF] = 8450 units
June12 – 9750 units - 1560 [78 units x 20 MF] = 8190 units.

Thereafter, the consumer filed a complaint before IGR on 19th December 2013 and received by IGR on 20th December 2013 for high registration in the month of June-12. The IGR entertained the complaint and investigated the same independently. Thereafter, a hearing was scheduled, wherein the Consumer was given an opportunity of hearing. After hearing the Consumer, the IGR sent a reply dated 14/02/2014 to the Consumer informing that the Consumer was under billed for the month of May 2012 and the same was adjusted in the month of June 12 bill.

Being aggrieved by reply the Consumer has approached CGRF by way of the present appeal.

We reiterate that the billing of Consumer is as per actual Consumption recorded by meter and the same can be confirmed, when compared with the consumption of the Consumer for similar period of different years. Thus, there is no case on merits and thus prayed that the complaint be dismissed with cost.

Subsequently Tata Power clarified that there is error in submissions not only in their reply before CGRF but also to the response to the Consumer where they have mentioned "there was difference of 78 units from 31st May to 1st June as per the downloaded meter reading data". The difference in units is based on downloaded data for an overall month and not for two days. They apologize for the submissions given on their behalf.

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 consumer paid the testing charges of Rs. 300/- to Tata Power on 27/08/2012. As per the stipulation under Regulation 14.4.3 of the Electricity Supply Code which deals with testing and maintenance of the meter, the Distribution licensee is required to test the meter and provide a copy of the test report within a period of two months from the date of request for testing.

In this case, the meter was not tested and amount of test fees of Rs. 300/- was credited to consumer's account by Tata Power in the bill for the month of August 2013 i.e. almost after a period of one year. This amounts to deficiency in service as per the requirement of MERC regulation as mentioned above. It may be worthwhile to refer to the observation of the Hon'ble Electricity Ombudsman, MERC in Shri Suhas Venkatesh Kulkarni versus Maharashtra State Electricity Distribution Co. Ltd (in Representation no. 69 of 2007). The Hon'ble Electricity Ombudsman, MERC in the said representation observed that there was delay in submitting the meter test report by the distribution licensee to the appellant and compensation of Rs.2000/- for the sufferance and inconvenience caused to the Appellant in the whole process was awarded. Forum also noted that the consumer was informed about under billing in the month of May 2012 during the hearing by IGR cell on 13/02/2014 i.e. after a period of about 17 months from the first date of complaint i.e. 09/07/2012.

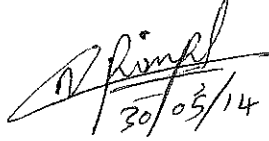
Order from Forum:

Keeping the principle mentioned in the Forum's observation above, it would be just and reasonable to award total compensation of Rs.2500/- (Rupees two thousand five hundred only) for the inconvenience, sufferance and agony caused to the Consumer in the whole process considering i) Non compliance of Regulation 14.4.3 of Electricity Supply code, ii) Delay of 17 months, in communicating on 13/02/2014 for the under billing adjustment done in the month of June 2012 for the month of May 2012 and iii) Not paying interest of one year on credit amount of meter test fees. The Tata Power Co Ltd is directed to pay the compensation by way of adjustment in the ensuing bill or otherwise but within a period not exceeding 45 days from the date of this order.

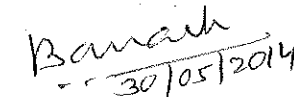
Compliance of the order should be reported accordingly.

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

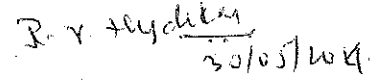
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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


30/05/14

(Vrushal N. Pimple)
Member


30/05/2014

(Bhalchandra A. Naik)
Member


30/05/14

(R. V. Hegdekar)
Chairperson

To

1) M/S. Precision Plastic Industries Pvt Ltd.,
Nand Jyot Industrial Estate, Wing D 18,
Andheri-Kurla Road, Near Safad Pool,
Kurla, Mumbai 400072

2) Mr. M. Shenbagam,
Gen. Manager (DCS),
Tata Power Co. Ltd.,
Mumbai 400019.

Copy to:

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