

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/2012/2

Date: 9.4.2012

Case No.CG/2/2012

Date of Hearing: 28.03.2012

**In the matter of M/s Technoplast Vs The Tata Power Co. Ltd
Reg. Redressal of grievance by the Forum and passing of order**

This is with reference to complaint to CGRF dated 23.02.2012 in Schedule-A form and this office letter No.CGRF/TPC/2012 dated 13.03.2012 wherein CGRF (Tata Power) granted a personal hearing to M/s Technoplast (Consumer No.2040915) and representatives of Tata Power on 28th March 2012 at 14.30 Hrs. M/s Technoplast (Consumer No. 2040915) is having 3 Phase power supply with tariff category LT-IV-Industrial >20 kW 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. Narendra Jain (Mobile No. 9820586595)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gautam Gaurav, Nodal Officer
- 2) Mr. Vipul Suthar
- 3) Mr. Devanjan Dey

Details of deliberations

1) Mr. Narendra Jain, the complainant informed the Forum that after the change over from Reliance Energy to Tata Power on 11.5.2010, the Reliance Energy meter no. W034875 was replaced by Tata meter No. 10225739(L&T make) on 30.7.2010. He stated

that he made first complaint to Tata Power Co. Ltd on 9.1.2011 that there was some fault in meter reading & it was not possible for so many units to be consumed in the month of December 2010 as the machines were not working in the stated month. Vide mail dated 1.2.2011 he reiterated that he filled the IGR form and submitted it to the concerned authority. But the complainant did not produce the proof: neither the copy of IGR form filled nor the receipt of IGR form submitted to the Forum. On 23.3.2011 Tata Power requested complainant to fill in attached form for meter testing at Tata power lab. The complainant has stated that on 20.4.2011 he has submitted the scanned copy of form for request for testing of meter as attachment. On 1.8.2011 Tata Power requested the consumer to re send the scanned copy of meter testing form as the copy sent earlier (as mentioned in his e-mail dated 30.7.2011) has not been received by Tata Power. Accordingly the consumer has re sent the scanned copy of the meter testing form as attachment. On 14.9.2011 Tata Power informed that they have received the meter testing form & on 15.9.2011 Tata Power has replaced meter No. 10225739 with ST017538 at consumer's premises & meter No. 10225793 was tested on 28.9.2011 in presence of representative of consumer at Tata Power Lab. The test results of the meter No. 10225793 shows meter found o.k. in accuracy with current failure events observed in meter data. On 21.10.2011 consumer had sent application for redressal of grievance to IGR cell of Tata Power, with nature of grievance as "Inflated bills from the month of December 2010 for no consumption and the subsequent bills thereafter inflated". On 16.12.2011 IGR cell of Tata Power replied that energy meter No. 10225793 was found defective & the same had been replaced with new meter no. ST017538 & amount of Rs. 39,812/- had been credited to the consumer's account. In e-mail sent on 22.12.2011, the complainant demanded that all delayed payment charges and interest on arrears should be completely waived. As Tata Power had disconnected power supply on 17.10.2011, no new bills should have been raised by Tata Power beyond 17.10.2011 (where Tata Power had raised bills to include monthly demand charge of Rs. 2,100/-) till reconnection. He further stated that due to defective meter installed on 30.7.2010 he had lost lot of business and had given him immense mental torture because of such a long delay in getting the meter replaced. He requested Tata Power to reconnect the power supply immediately.

2) The Tata Power had sent written reply to the Forum as well as to the complainant vide letter dated 9/3/2012 refuting all the allegations made by the complainant. This letter was not received by the complainant, as he was not present at the sent address. As the letter was returned undelivered to the complainant, email of the Tata Power reply was sent on 28/3/2012. Again Complainant was phoned and asked whether he would like to postpone the hearing, to which he informed back that he would attend the hearing on the scheduled date i.e. 28/03/2012. Hard copy of the Tata Power's reply was also handed over to the complainant on 28/3/2012 before the hearing. The relevant points reiterated by Mr. Gautam Gaurav, the representative of the Tata Power are as follows:

a) The consumer cannot seek a new relief before CGRF, when the said relief was never prayed by the consumer before the IGRC. The relief prayed by the consumer before IGR was entertained and was redressed and a credit of Rs. 39,812 /- was given to the consumer. If the consumer is having any fresh claim, the consumer is

required to re-approach the IGR to get the same redressed and only if is not redressed by IGR the consumer can approach Hon'ble forum.

b) Every time the consumer had complained the action had been taken, a letter was also sent to the consumer on 13/05/2011.

c) The consumer then filed a complaint dated 21/10/2011 before the IGR cell duly received by Tata Power, disputing the inflated bills from the month of December 2010 for no consumption and the subsequent bills thereafter as inflated.

d) The complaint before IGR cell was entertained and a detailed investigation was carried out. On directions of IGR cell, the meter was sent for data analysis along with some other meters to the manufacturer (L & T). In the meter of the consumer in dispute, it was observed that either of one phase recorded current reversal; contributed to high consumption. Further it was observed that based on the power factor snaps available in tamper data, it is suspected on faulty in either of one capacitor bank and the load therein used in that the conditions leads current reversal. Thus, as one of the capacitor banks of the consumer was faulty, there occurred some discrepancy in the meter, thereby inflating reading for a particular period. The IGR cell after taking cognizance of the said fact, understanding the technical data and after getting into the merits of the case (wherein no proof is provided by the Consumer, that the machines in the factory for the period 01/12/10- 31/12/10 were closed), on 16/12/2011 by its reply, granted correction in bill from 01/11/2010- 1/03/2011 and 01/05/2011-01/06/2011 and gave a credit of Rs. 39,812/-. Further, as the Consumer was not satisfied with the reply and again approached the Company with the same query. As a process of resolving the Consumer's issue again we approached the manufacturer for the actual period for which the credit has to be given as the Consumer was demanding credit from 30/07/2010 to 14/09/2011. The manufacturer (L & T), in its reply made it very specific that there is no reverse Kwh recorded till 1st November 2010, so no correction is required before such date and further said that post 1st Feb 2011, reverse kwh recorded are 126.74. The IGR cell calculated the period of credit and the basis of giving credit on the previous energy billing report given by the manufacturer (L&T) and thus gave credit to the Consumer for the period 01/11/10 to 1/03/11 and 1/05/11 to 1/06/2011 for 4303 units is on the basis of the previous energy billing report by the manufacturer.

e) Also, if comparison of consumption is made, there is no major difference in Consumption pattern of consumer, when he was receiving supply from R Infra. In fact, when the Consumer was receiving supply from R Infra Meter, the consumption was pretty high as compared to consumption as shown in Tata Power meter.

f) While resolving the various complaints and complaint before IGR cell, it was noted that the Consumer has stopped making payment since December 2010. The last payment made by the consumer was on 09/12/2010 for Rs. 7,787/-. Since then, the consumer had failed to make any payment towards the energy bill amount. The supply to the premises of the Consumer was disconnected on 17/10/11 after serving notice u/s 56 of EA, 2003 and since then, till today the supply is disconnected.

g) The consumer had already received credit for the period claimed by the Consumer before IGR. Further, the fresh claim as made by the Consumer ought not to be entertained by the forum.

3) Based on the outcome of deliberations with the complainant & Tata power Company Ltd and on the basis of documents submitted by The Tata Power Co, the Forum places on record the following observations: -

- a) In IGR Cell's Order dated 16/12/2011, it is stated: "...Billing correction has been done & amount of Rs.39812/- is credited to the consumer's account...". The DPC & Interest on arrears are charged on the billed amount. The already "billed units" were higher than "to be billed units". Therefore the difference on account of this should also be credited to the consumer's account if it is not done.
- b) Tata power had informed the complainant on 11.1.2011 to pay the average bill amount depending upon the consumer's past consumption pattern. Excess or less paid (if any) will be adjusted in consumer's next bill after the entire study of the case. The complainant has not paid any payment even for the actual units consumed after 9.12.2010. Nor the complainant has paid any bills under protest. The request for waiving of DPC & interest on arrears cannot be considered except for the observation made in Para 3a) above. Also the consumer has not given any proof of his factory being closed from 1.12.2010 to 31.12.2010 (wrongly written as 1.12.2011 to 31.12.2011 in schedule A form). The consumer is therefore bound to pay the amount for the actual units consumed by him.
- c) Forum agrees with the contention of Tata Power that consumer cannot seek new relief before CGRF when the said relief was never prayed before the IGRC.
- d) Forum disallows the claim of Consumer that no bills should be raised by Tata Power to include Demand charge of Rs. 2,100/- from the date of temporary disconnection i.e. from 17.10.2011. If consumer had opted for permanent disconnection of supply then no bills would have been raised. During temporary disconnection the infrastructure is there at site and meter could be re connected by the utility on settlement of all dues by the consumer. It is to inform that the utility has the right to permanently disconnect the supply after a period of 6 months if settlement of dues by the consumer is not made from the date of temporary disconnection, In that case the consumer will have to make fresh application thereafter for power supply.

Order from Forum:

Forum directs as follows:

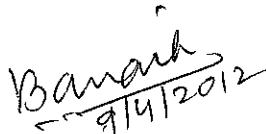
- 1) The consumer will have to pay the bills issued by Tata Power in full if he wishes to get reconnection of supply before the expiry of six months from the date of temporary disconnection. Otherwise after the expiry of six months his application for supply of electricity will be treated as a fresh application under the provisions of the Electricity Act, 2003.
- 2) Tata Power should give the credit for the difference between the amounts of DPC & interest on arrears charged based on "the billed units" and that based on "to be billed units" to the consumer's account, if it has not been given so far. The compliance should be communicated to the Forum within 15 days from the date of this order.

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

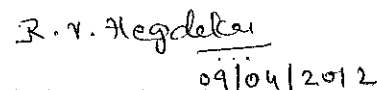
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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


9/4/12

(Vrushal N. Pimple)
Member


9/4/2012

(Bhalchandra A. Naik,
Member


09/04/2012
(R V Hegdekar)
Chairperson

To

M/s Technoplast, 3rd Floor, 48-Vithal Wadi, Kalbadevi Road, Kalbadevi, Mumbai -400 002.

M/s Technoplast, 206-Sant Bhuvan, 2nd Floor, Sharma Industrial Estate, Walbhat Road, Goregaon (East), Mumbai-400 063.

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