

CONSUMER GRIEVANCE REDRESSAL FORUM
THE TATA POWER COMPANY LIMITED

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Ref.CGRF/TPC/2013/ 41

Date: 22/10/2013

Case No.CG/10/2013
Date of Hearing: 04/10/2013

In the matter of Mr. Sanju Devram Bhalerao 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 14/08/2013 in Schedule-A form received in CGRF office on 02/09/2013 and this office letter No.CGRF/TPC/2013 dated 25/09/2013 wherein CGRF (TPC) granted a personal hearing to Mr. Sanju Devram Bhalerao (Consumer No.2011873) and representatives of TPC Limited on 4th October 2013 at 14.30 Hrs.

Mr. Sanju Devram Bhalerao (Consumer No.2011873) is having single phase power supply with tariff category LTI –Residential 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. Sanju Devram Bhalerao (Mobile 9702278140)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Suhas N Joshi
- 3) Mr. Devanjan Dey
- 4) Mr. Abhijit Sorte
- 5) Mr. Ismail N R

Details of deliberations

The consumer intimated that he had migrated his residential electrical power connection from Reliance Energy to Tata Power in January 2010. Due to faulty meter installed by Tata Power, his average consumption reading went up to 185% resulting him required to pay more than double of his actual payable bills. He had intimated consumer service of Tata Power by telephone in the month of July 2010 but no action was taken on the same. After his written complaint in October 2012, the faulty meter was replaced. The consumption pattern now is

same as that before the faulty meter was installed. The company had accepted the meter installed was indeed faulty and offered him credit for excess billing. However the credit amount paid is equivalent only for 4 months whereas the faulty meter and excess billing was for 34 months. He informed that IGR cell had intimated to him that correction in the bill is as per MERC guidelines. He further added that the IGR cell had conveniently denied of receiving telephone complaint. Tata Power had unilaterally enhanced the deposit amount and had adjusted the sum from the excess amount collected in spite of his written complaint. The deposit is equivalent to more than 3 times his average monthly bill over last 6 months. He further added that the judgement of the IGR cell is not acceptable as the responsibility of installing the meter lies with the company. Tata Power had accepted the meter to be faulty. Consumer had mentioned that he was paying the bills regularly. Hence full compensation of additional amount recovered from him as a result of faulty meter installed by Tata Power is given to him. Also his deposit amount should be in line with his average monthly bill.

The nature of relief sought from the Forum was that recovery of excess billing during the period of faulty meter should be credited to him.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 16/09/2013. The relevant points reiterated and corrected based on facts and documents by the representative of the Tata Power during the hearing are as follows:

1. We were in receipt of complaint made by the Consumer for high billing for the month of April 2012 to September 2012 on 18/09/2012. The said complaint was entertained by Tata Power Company limited, the consumption pattern of the Consumer was compared and a reply was sent by Tata Power on 20th September 2012. We would like to submit that before the said complaint, we didn't receive any complaint from the Consumer for high registration or high consumption. We deny that the Consumer has made any complaint through telephone in the month of July 2010.
2. Similar complaint was filed by the Consumer on 08/10/2012. The complaint of the Consumer was attended by an engineer, who checked the physical installation at site and found the same in order. Further, as a process of high registration, the engineer downloaded the meter data and checked the downloaded meter data with SAP readings and during analysis found that the meter was defective. After detailed analysis, it was found that the reason of defect was due to "Register value changed" flag set in meter, which is an indication of non reliability of energy register and in such case the meter may behave abnormally and energy register can jump abnormally high. Further, as per said analysis, multiple events of false magnet tamper were also found recorded by the meter. However, from the meter data, it is not possible to provide the exact period of defect.
3. On 08/11/2012, the said defective meter was replaced with a new meter. Thereafter, Tata Power carried out corrections in the Consumer account accordingly for a period starting from 15/07/2012 to 14/11/2012 as per billing cycle. A letter dated 28/11/2012 to that extent was sent to Consumer. However, as the Consumer raised a complaint for the first time on 18/09/2012, we have re-corrected the bills from 15/06/2012 to 14/11/2012 as per applicable MERC guidelines, which shall be reflected in bills in due course.
4. As per regulations 15.4 of Electricity Supply Code

15.4 Billing in the Event of Defective Meters

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three 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.:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried

out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

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, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

5. We further submit that the meter was installed in the year, 2010. All meters are installed after they are tested and found correct. Therefore, in the event of any subsequent complaint relating to defective meter, the meter can be treated as defective for the past maximum 3 months, in accordance with Regulation 15.4 of the Electricity Supply Code Regulations, 2005. There is no provision to treat the meter as defective for a period of more than past 3 months. As per records, the Consumer made grievance of high registration for the first time on 18/09/2012 regarding high registration. The demand of Consumer to treat the meter as faulty right from the month of January 2010, has no merit, apart from being contrary to the said regulation 15.4.
6. Thus, there is no merit in the case and the said complaint of the Consumer needs to be dismissed.

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

The consumer submitted during the hearing that the meter may have been defective right from the date of installation of meter no. TAT 11575 i.e. from 15/01/2010. The consumer had stated that he had telephoned in the month of July 2010 and credit should be given accordingly. However he could not produce complaint number of the call. Also if it is to be believed that the consumer had indeed complained in the month of July 2010 then it is surprising that the consumer did not follow up for the resolution with Tata Power nor did he approach IGR cell earlier until he complained telephonically on 18/09/2012 and to IGR cell on 22/05/2013. Tata Power denied having received the complaint in the month of July 2010.

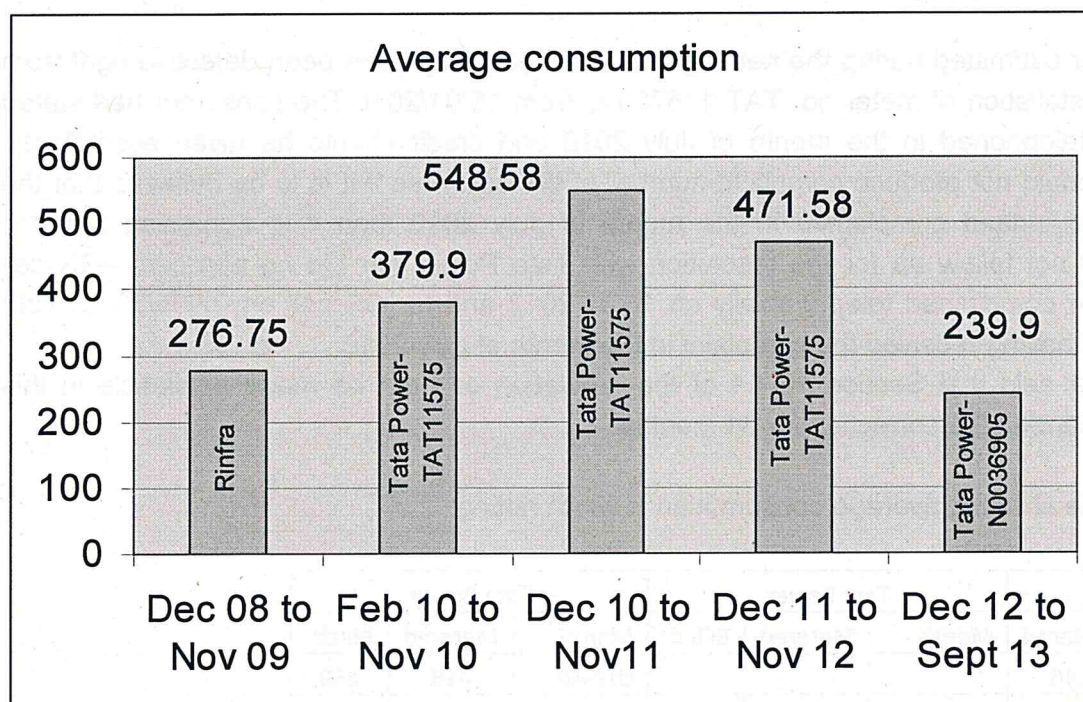
The consumer said that Section 15.4.1 of the regulation can not be made applicable in this case. He demanded the correction for 34 months.

Following table showing average consumption is worth noting:

RINFRA		Tata Power			Tata Power		
Month	Metered	Month	Metered	Billed	Month	Metered	Billed
Dec-08	240				Dec-10	418	459
Jan-09	238				Jan-11	707	777
Feb-09	262	Feb-10	411	452	Feb-11	524	576
Mar-09	301	Mar-10	310	341	Mar-11	570	626
Apr-09	330	Apr-10	410	451	Apr-11	581	638
May-09	348	May-10	240	264	May-11	500	549
Jun-09	361	Jun-10	379	416	Jun-11	655	720
Jul-09	224	Jul-10	390	429	Jul-11	514	565
Aug-09	250	Aug-10	396	435	Aug-11	499	548
Sep-09	236	Sep-10	459	504	Sep-11	529	581
Oct-09	286	Oct-10	467	513	Oct-11	480	527
Nov-09	245	Nov-10	337	370	Nov-11	606	666
Avg	276.75	Avg	379.9	417.5	Avg	548.58	602.8

Tata Power			Tata Power		
Month	Metered	Billed	Month	Metered	Billed
Dec-11	520	571	Dec-12	261	287
Jan-12	484	532	Jan-13	235	258
Feb-12	434	477	Feb-13	229	252
Mar-12	348	382	Mar-13	179	197
Apr-12	529	581	Apr-13	282	310
May-12	502	552	May-13	252	277
Jun-12	465	511	Jun-13	206	226
Jul-12	432	475	Jul-13	229	252
Aug-12	471	518	Aug-13	269	296
Sep-12	430	473	Sep-13	257	282
Oct-12	522	574			
Nov-12	522	574			
Avg	471.58	518.2	Avg	239.9	263.6

From the above table the average recorded consumption is as represented in the graph below.



Based on data analysis Tata Power admitted that the meter was defective however Tata Power had mentioned in their reply that from the meter data it was not possible to provide the exact period of defect.

Accepting the recorded date of telephonic complaint which was 18/09/2012, the refund was credited to the consumer's account from the preceding 3 months till the date of replacement of the defective meter TAT11575 by new meter no. N0036905.

Tata Power had calculated the average monthly consumption for 12 months of R-Infra period (Dec 2008 to Nov 2009) to revise all bills from July 2012 to November 2012

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The concise law dictionary has given the meaning of redress as: "To set right, to compensate; to make amend to; relief; reparation.

Tata Power admitted the defect in the meter, but they could not ascertain the exact period of defect. Tata Power had considered period of three months prior to the date of reporting the grievance for redressal.

As per clause 15.4.1 of MERC (Electricity Supply Code), Regulations, 2005, the consumer's bills shall be adjusted for maximum period of three months prior to the month in which the dispute has arisen.

From the recorded telephonic conversation on 18/09/2012 the dispute has arisen in the month of April 2012. Therefore the bills should be adjusted for the maximum period of three months prior to the month of April 2012.

Order from Forum:

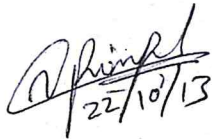
Tata Power is directed to revise the bills of the consumer no. 2011873 from January 2012 to June 2012 based on the 12 months average of R.Infra period (December 2008 to November 2009) in addition to the revision of all bills of the consumer from July 2012 to the date of replacement of meter no. TAT 11575 already awarded by TATA Power.

In view of above Tata Power is directed to rework Security deposit amount as stipulated in clause 11 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005 & refund the excess amount of such deposit made by the consumer if any either by way of adjustment in the next bill or by way of a separate cheque payment within a period of thirty (30) days.

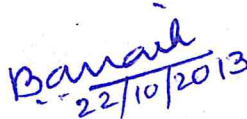
Orders of the Forum are required to be complied within 30 days of the receipt of this order.

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

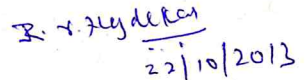
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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



(Vrushal N. Pimple)
Member



(Bhalchandra A. Naik)
Member



(R. V. Hegdekar)
Chairperson

To

1) Mr. Sanju Devram Bhalerao,
Godrej Garden Enclave,
Tower A3/22, Pirojsha Nagar,
Vikhroli (E), Mumbai 400 079

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

