

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/2016/01

Date: 02/07/2016

Case No.CG/01/2016
Date of Hearing: 10/06/2016

**In the matter of M/s. CPL Switches Private Ltd. (Consumer No. 900000092270) 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 04/05/2016 and this office letter No.CGRF/TPC/2016/1 dated 26/05/2016 wherein CGRF (TPC) granted a personal hearing to M/S. CPL Switches Private Ltd. (Consumer No. 900000092270) and representatives of TPC Limited on 10th June' 2016 at 12:00 Hrs.

M/S. CPL Switches Private Ltd. (Consumer No. 900000092270) is having power supply with tariff category LT III – Industrial load.

The following persons were present:

CGRF Members:

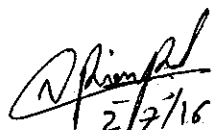
- 1) Mr. D N Singh, Chairperson
- 2) Ms. Varsha Raut, Member
- 3) Mr. Vrushal N. Pimple, Member

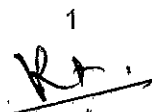
On behalf of the Complainant:

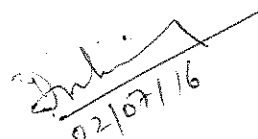
- 1) Mr. Ajit Choksi

On behalf of The Tata Power Company Limited:

- 1) Mr. Ravindra Kasarpatil
- 2) Mr. Gaurav Gautam
- 3) Mr. N. Manjunath
- 4) Mr. Deepak Chaudhury


2/7/16


1


02/07/16

Details of deliberations

M/S CPL Switches Private Ltd. has submitted his grievance to the forum and describe his complain in details as below:

That Tata Power to keep the supplementary bill no. 94000019188 dated 21-4-2016 in abeyance until this forum ascertains the validity of the claim.

That Tata Power admits that the fault was due to "Internal PCB component failure" therefore the compensation should be taken from the meter manufacturer.

That consumer should not be liable to pay a supplementary bill raised on 21st April 2016 for a claim pertaining to 1st December 2014 till 31st March 2015. Bills raised for this period have already been raised to them and paid in full. As per MERC guidelines the claim is limited to one year only and how can Tata Power claim these amounts after a year.

Why Tata Power took so long as 12 months to figure out the mistake when the vigilance team had visited the premises on 25.03.2015 and the supplementary bill no. 95000017869 dated 05.03.2016 received by us on 09.03.2016; for which we immediately logged a complaint with Tata Power Customer care and grievance cell on the same day.

Why bill is raised after a period of 1 year after the visit of vigilance team. Why no mind was applied before a supplementary bill of Rs. 44,316.00 was raised knowing the fact that "Y" phase was working slow, meter was not burnt, that they need to apply clause 15.4 and 15.4.1 they are faulty meters and not one phase slow working.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 19.05.16. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. We would like to inform you that we totally rely on the reply filed by the IGR after giving detailed hearing to the Consumer. The IGR had already rectified the supplementary bill on the basis of the facts mentioned in the meter testing report, the investigation done for the said case and the consumer's statement during IGRC hearing, wherein the supplementary bill for an amount of Rs. 44316/- (which was prepared based on past 12 months consumption) has been revoked and the revised supplementary bill has been prepared for the period 01.12.2014 to 31.03.2015 for the balance 776 units (on the basis of recorded consumption on 2 phases) for an amount of Rs. 6059/- based on slowness of meter by 34%.
2. With respect to fact of the case, a site visit was conducted by the vigilance team on 25/03/2015 and it was observed that Y phase voltage was missing for the Consumer meter vide meter bearing serial number 9204984. Thus, the old meter bearing serial number 9204984 was replaced with new meter bearing serial number 10250023 on 25/03/2015. The said old meter was seized in presence of consumer for testing in our Laboratory. Thereafter, as per convenience of Consumer the meter testing was scheduled in second week of April 2015, which was communicated on telephone to which the Consumer's son indicated that the Consumer will not be able to attend the meter testing and also was unable to confirm any date for meter testing in coming two weeks. Thus, on 10th April, we informed the consumer in writing requesting the consumer to be present as we are scheduling meter testing on 14th April, 2015 at 10.00 at the address mentioned in the letter in the presence of manufacturer. The said letter

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was sent to registered billing address with us, which the Consumer didn't accept. Thus the Consumer failed to keep himself present on the date of meter testing. As the Consumer didn't accept the letter, it is denied that the consumer was not intimated in writing regarding the date, when the meter was planned for testing in our lab.

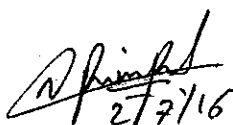
The testing of the meter was carried out in our laboratory on 14th April 2015 for the meter bearing serial number 9204984 and it was found that the Y phase voltage was failure due to which the meter was running slow. Post meter testing the meter testing reports were sent at to consumers registered billing address. As the meter was running slow, a supplementary bill had been prepared for the period 01.12.2014 to 31.03.2015 for 5496 units for an amount of Rs. 44316/- (which was prepared based on past 12 months consumption) as per Regulations 15.4.1 of MERC Supply Code, which inter alia states as under:

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 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 meter consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

Thereafter, the consumer approached the IGR of Tata Power on 8th April, 2016, which was received on IGR on 11th April, 2016. The IGR gave a detailed hearing to the Consumer on 20th April, 2016 and post hearing, gave a detailed reply, wherein the IGR directed to rectify the supplementary bill on the basis of the facts mentioned in the meter testing report, the investigation done for the said case and the consumer's statement during IGRC hearing. Hence the supplementary bill for an amount of Rs. 44316/- (which was prepared based on past 12 months consumption) has been revoked and the revised supplementary bill has been prepared for the period 01.12.2014 to 31.03.2015 for the balance 776 units (on the basis of recorded consumption on 2 phases) for an amount of Rs. 6059/-.

3. We would like to inform you that the Supplementary bill for the period 01.12.2014 to 31.03.2015 of 776 units (on the basis of recorded consumption on 2 phases) for an amount of Rs. 6059/- is based on the slowness of meter. The said 776 additional units are the units, what the consumer would have been billed, had the meter of the consumer would not have been slow by 34%. The Consumer had not been billed any excess amount but the amount, which the consumer would have been paid, had the meter of the consumer not found slow. We agree that the Consumer has made payment of bills for the above period, however, the amount paid against the bill by the Consumer is not as per actual consumption as the meter was slow by 34%. We reiterate that the demand of Rs. 6059/- is towards slowness of meter and is the units calculated is purely based on consumption of Consumer. We have not asked consumer to pay towards the meter charges or pay damages, the supplementary bill is purely against consumption.
4. It is a settled position in law that a Distribution Licensee can recover a sum due from a consumer within a period of two years when such sum became due.
In the present case, the vigilance visited the premises on 25/03/2015, where the meter was found slow. The meter seized by the vigilance team was tested in laboratory for analysing the slowness of meter. Post testing of meter, the matter was taken up with the manufacturer and thereafter a supplementary bill was raised on 5/03/2016. The said supplementary bill was purely based on average of 12 months of consumption, which


27/7/16




02/07/16

was thereafter rectified by IGR through its reply. Thus, the Supplementary bill, which was rectified by reply of IGR, based on slowness of meter, in its bill dated 05/04/2016 and thereafter by bill dated 25/04/2016 is recoverable and the we as Distribution Licensee are entitled to demand and thereafter recover the same.

5. The supplementary bill is already rectified by the IGR and the rectified amount raised by Supplementary bill is as per consumption made by Consumer, which the Consumer is liable to pay.

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 has noted that Tata Power has acknowledged the fact; through its vigilance report, meter testing report and reply to the forum, that consumer is in no position to detect or prevent the fault in meter. The fault is due to "internal PCB component failure" as confirmed even by the manufacturer while witnessing meter testing in the laboratory.

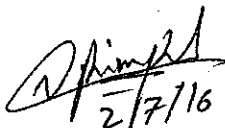
Tata Power IGR has already rectified the supplementary bill on the basis of the facts mentioned in the meter testing report, the investigation done for the said case and the consumer's statement during IGRC hearing, wherein the supplementary bill for an amount of Rs. 44316/- (which was prepared based on past 12 months consumption) has been revoked and the revised supplementary bill has been prepared for the period 01.12.2014 to 31.03.2015 for the balance 776 units (on the basis of recorded consumption on 2 phases) for an amount of Rs. 6059/- based on slowness of meter by 34%.

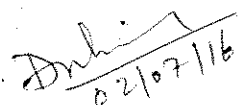
Post hearing, Tata Power internally re-investigated the case, and the supplementary bill further revised from 776 units for Rs. 6059/- for the period 1st December 2015 to 31st March, 2016 to 663 units for Rs. 5209/- for the period 1st December, 2015 to 25th March, 2016.

As per Section 56 (2) of Electricity Act 2003 a Distribution Licensee can recover a sum due from a consumer within a period of two years when such sum became due.

As per SOP regulation 2014, Appendix A - Level of Compensation payable to consumer, Clause No. 6 (ii) (ii), i.e. "in case of any other complaints for resolution of billing" barring "bill complaints regarding non receipt of bills or inadequate time for payment" a compensation of Rs. 100 per week or part thereof to be awarded to consumer.

Tata Power had communicated about testing of meter on telephone, to which the Consumer's son indicated that the Consumer will not be able to attend the meter testing and also was unable to confirm any date for meter testing in coming two weeks. Thus, the consumer through a letter dated 10th April 2015 was informed in writing requesting him to be present as they were scheduling meter testing on 14th April, 2015 at 10.00. The said letter was sent to registered billing address, which the Consumer didn't accept. The said letter was dispatched to consumer on 11th April 2015 which was Saturday effectively giving only one working day for consumer. Here the forum is of the opinion that at least a prior intimation of seven working days should have been given to the consumer.


2/7/16


02/07/16

Deliberations made by consumer at the time of hearing were also submitted in writing by them. Tata Power also explained and reverted on the issues raised by consumer. Forum has taken note of the same.

Order from Forum:

As established by the meter testing report on the basis of recorded consumption and deliberations herein above Tata Power has raised a supplementary bill for the period of 1st December 2015 to 25th March 2016.

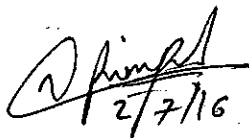
The forum after detailed deliberations and facts of the case comes to conclusion that the bill was raised on consumer before the completion of 24 months as required under the provisions of section 56(2) of EA 2003. Hence the forum directs consumer to pay entire outstanding supplementary bill.

However as deliberated and mentioned above as per SOP regulations, Tata Power is directed to pay a compensation of Rs. 100 per week for delay in raising the revised bill to complainant for the period from 1st May 2015 to 29th Feb 2016.

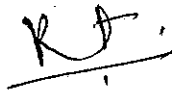
Order of the Forum is required to be complied within 30 days of the receipt. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2014.

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

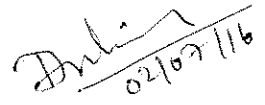
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity 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) CPL switches Pvt Ltd.
Plot No. 38, Choksi compound,
Saki Vihar Road, Powai
Andheri (E), Mumbai-400072

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

Copy to:

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

