

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: 18.07.2014

Case No.CG/4/2014
Date of Hearing: 02.07.2014

In the matter of M/S. Pramukh Enterprises. 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 15.05.2014 and this office letter No.CGRF/TPC/2014/50 dated 18.06.2014 wherein CGRF (TPC) granted a personal hearing to M/S Pramukh Enterprise (Consumer No.754724) and representatives of TPC Limited on 02nd July 2014 at 14.30 Hrs.

M/S Pramukh Enterprises (Consumer No.754724) is having three phase power supply with tariff category LTI – Residential load.

The following persons were present:

CGRF Members:

- 1) Mr. D N Singh, Chairperson
- 2) Mr. Bhalchandra A. Naik, Member
- 3) Mr. Vrushal N. Pimple, Member

On behalf of the Complainant:

- 1) Mr. S Banerjee (Mobile 9920152899)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Manish Varshneya

Details of deliberations

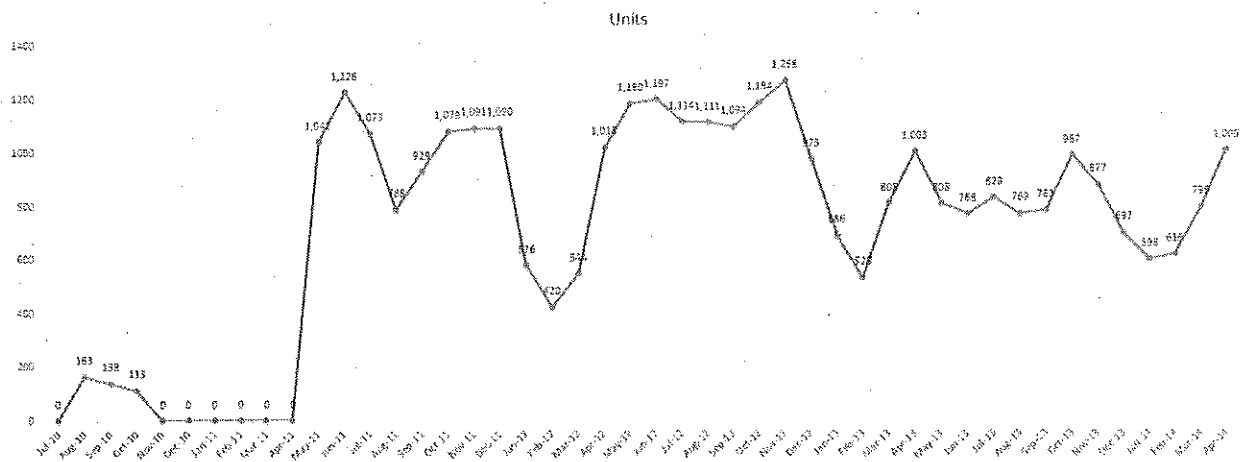
Mr. S Banerjee, the representative of the complainant informed that he was getting his bills on higher side. The consumer made his first complaint on 04/08/2011 and many repetitive complaints thereafter through calls and emails. All complaints were entertained and replied by Tata Power as and when made. He further added that after replacement of faulty meter



no. 5112711 with new meter no. 10107169 in November 2012 his consumption has got reduced. He stressed that his bills for the period prior to November 2012 i.e. before replacement of meter on 05/11/2012 should therefore be revised with lesser units. He requested the Forum to instruct the Tata Power Company Ltd to revise the bills accordingly.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 03/06/2014. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. Before proceeding with the Complaints of Consumer, we would like to share certain facts of the case, which is important for the present case.



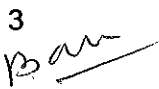
The Consumer was moved in the system of Tata Power on 13th May, 2010. However, the Consumption for the month of Jul-2010 was 0 units. Thereafter, there was consumption for the months Aug-10, Sep-10 and Oct-10 and again from Nov-10 to Mar-11, the Consumption of Consumer was zero. In the month of April, 2011, there was a consumption of 1042 units and since then the Consumption of the Consumer was pretty normal in and around same level. However, as the Consumption from Mar-11 to April-11 has gone from 0 to 1042 units, Tata Power by itself and as a cross checking process logged a complaint. Thereafter, the meter was tested at site on 16/07/2011 and the meter was found accurate within the limit. Thus, Tata Power checked the meter at site as they found huge difference in consumption from one month i.e. Mar-11 to other month i.e. Apr-11.

2. Thereafter on 4th August, 2011, the consumer logged a complaint for high registration. The said complaint was entertained and action was taken by Tata Power Co. The meter was checked and tested at site in the presence of Consumer/ Consumer representative at site on 11/08/2011. The meter was found accurate within the limits. The copy of meter test report was duly signed and a copy of said report was also shared with the Consumer at site.
3. On 28th December 2011, the Consumer again made complaint for high registration for the month of Nov-11 and Dec-11. Again, the meter was tested at site in the presence of Consumer/ Consumer representative on 29/12/2011. Again, the meter was found accurate within the limits. The copy of meter test report was duly signed and a copy of said report was also shared with the Consumer at site. Further, a detailed analysis was also done and it was found that the meter readings were found to be OK. The data from the meter was downloaded and studied and no abnormal events were recorded. A letter informing the same was sent to Consumer.
4. On 30th October, 2012, the Consumer applied for meter testing at Laboratory. The meter was replaced with new meter for testing on 05/11/12 and tested in laboratory on 19/12/2012 and the meter was found OK in accuracy.

[Handwritten signatures and initials]

5. On 14/11/2013, the Consumer wrote a mail to IGR raising the issue of High registration and about the faulty meter. The said email of the Consumer was replied through an email dated 15/11/2013, wherein we informed the Consumer that the meter was tested in lab and the meter was found ok in accuracy. The copy of meter test report was also attached along with the said email reply. It was also informed to Consumer that the consumption recorded in the meter appeared to be in order and the Consumer is billed as per consumption recorded in the Consumer's meter. It was informed to the Consumer that there is an outstanding amount pending against the Consumer's account and the Consumer should clear the outstanding amount.
6. On 17/1/2014, the Consumer approached IGR by filing an application which was received by IGR on 20/01/2014, wherein the Consumer raised a grievance stating that the Consumer is not satisfied with the meter test report and there are excess units in the meter. The IGR analysed the Complaint and also obtained the connected load of the Consumer's premises on 1st Feb 2014 in the presence of Consumer.
7. After analysing the data, wherein the downloaded data of the meter was checked, it was observed that there are no abnormalities in the data. Also, the meter readings were also verified with the downloaded data and the same were found in order. Thereafter, on a specific date the Consumer was informed to come for hearing on the very date, to which the Consumer showed her inability and sought a date. However, the meter of the Consumer was tested thrice at site and once in the lab and in all the test, the meter was found OK in accuracy. Also, the downloaded data showed no abnormal events and the readings are in line with the downloaded data and hence the IGR concluded that there is no fault in the meter and accordingly a reply dated 18th March 2014 was sent to Consumer against the complaint lodged by Consumer before IGR.
8. On 18th April 2014, the Consumer again wrote an email to IGR showing her dissatisfaction and displeasure towards the reply dated 18th March 2014 by IGR. The Consumer continued with her complaint of high registration. The consumer further wrote in her email about the threat to disconnection and thereafter disconnection carried out by Tata Power, which amounted to extortion and harassment. The Consumer further contented about the opportunity of hearing before IGR, which was not provided to the Consumer. The said email of Consumer was replied by Tata Power by its email dated 21st April 2014 wherein it was informed to the Consumer that based on the complaint towards excess billing, Tata Power had carried out investigations and also tested the meter for accuracy in laboratory. Basis the analysis, there is no anomaly in the meter and the consumption recorded by the meter of Consumer appears to be in order and the Consumer has been billed accordingly. It was requested to the Consumer to clear the outstanding of Rs.34,114/- reflecting in the consumer's account. Further, the Consumer was also informed that in case if the Consumer is not satisfied with the order passed by the Internal Grievance Redressal Cell of Distribution Licensee, then the Consumer may approach the Chairman of the Grievance Redressal Forum initiated Under Section 4 of the final regulation of Maharashtra Electricity Regulatory Commission as per the format schedule 'A' of the final Regulation.
9. Being aggrieved by the reply, the Consumer approached CGRF on 9th May, 2014.
10. We reiterate the contents mentioned above with respect to the meter testing and the data analysis mentioned herein above. In addition to this we wish to inform that the Consumer is irregular in making payment of the monthly bills. This is supported by the fact that the supply of the Consumer was disconnected twice after following due process of law and the supply was reconnected on consumer making part payment of the notice amount. Even today, there is an outstanding overdue against the Consumer amounting to Rs. 32095 and Security deposit overdue amounting to Rs. 2700. We once again reiterate that the meters were already tested and the meter accuracy and recording was found to be ok. Thus there is no anomaly in the meter or the reading therein or any fault



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on our side. This may have due to the consumption at Consumer's end and there are many factors that may lead to high consumption.

11. Thus, the billing to the consumer is as per actual Consumption recorded by meter (accurate within the accuracy limit) and thus there is no case on merits and thus prayed that the complaint be dismissed with cost..

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:

On Consumer's complaint the meter was replaced on 05th Nov-12 for meter testing. The meter was tested in lab on 19th December'14 and was found to be ok in accuracy.


It is evident from the above consumption pattern that even after the new meter is commissioned the consumer's consumption has gone up to match the disputed consumption claimed by the consumer. Also it can be deduced from the connected load of the customer that the above consumption is possible.

Forum provided the information that the complainant may insist for testing the meter at any laboratory approved by NABL, if he is not satisfied with the meter testing done at Tata Power test laboratory. If the complainant agrees to this, then Forum would permit the testing of that meter at NABL approved laboratory. As the complainant did not opt for the same, Forum decided based on the test results and as per the provisions of the regulation to issue the order.

The Forum accepted the argument that the licensee of power cannot exercise control on consumption of power by the consumer.

Regulation 8.1 of the Electricity Supply Code Regulations, 2005 mandates that the Respondent shall not seek entry to the consumer's premises, beyond the point of supply (meter in this case).

In case the meter is found to be running within the permissible limits of error, it becomes obligatory for the consumer to make the payments by the due date, of the bills raised by the Tata Power Co. Ltd., on the basis of the actual readings recorded by the meter



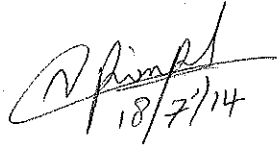
Order from Forum:

In view of the fact that the disputed installed meter has been found to be running accurately within the permissible limits, the complainant is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd.

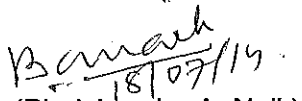
Orders of the Forum are required to be complied within 15 days of the receipt. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005

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

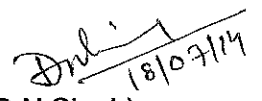
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity 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



(D.N. Singh)
Chairperson

To

1) M/S. Pramukh Enterprises.,
(Mrs. Kalyani Banerjee)
103, CTS NO. 720(PT), 727(PT),
WING-B, BEHRAMBAUG,
VILLAGE OSHIWARA,
JOGESHWARI(W),
Mumbai 400102

2) Mr. M. Shenbagam,
Gen. Manager (DCS),
Tata Power Co. Ltd.,
Mumbai 400 019.

Copy to:

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