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CONSUMER GRIEVANCE REDRESSAL FORUM
THE TATA POWER COMPANY LIMITED

Office: Distribution Customer Services
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Near Shalimar Industrial Estate
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Phone: 67172710 Fax: 67172730
e-mail: grievance.cell@tatapower.com

Ref.CGRF/TPC/2014/

Date: 28/10/2014

Case No.CG/7/2014
Date of Hearing: 29/09/2014

In the matter of Mr. Hafizullah K. Khan, (Consumer No. 2033430) 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 02/09/2014 and this office letter No.CGRF/TPC/2014/ dated 23/09/2014 wherein CGRF (TPC) granted a personal hearing to Mr. Hafizullah K. Khan, (Consumer No. 2033430) and representatives of TPC Limited on 29th Sept' 2014 at 14:30 Hrs.

Mr. Hafizullah K. Khan, (Consumer No. 2033430) is having single 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. Qamaruzzama H. Khan(9892622887)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. Abhijit Sark

Details of deliberations

Mr. Qamaruzzama H Khan the son of the complainant informed that his December 2013 bill is 500% more compared to his previous years bill. The meter was replaced after his complaint and it was told to him that his meter might be faulty and hence the same was

being replaced. It was also found that for two consecutive months i.e. Oct-13 and Nov-13, the Consumer's meter could not be read by the meter reader as the secretary of the society did not allow to take reading and hence the bills for the respective months were sent by way of average billing which were then plummeted in the month of Dec '13 for reconciliation. Then on further inspection of meter in the laboratory it was found that there was a "battery failure RTC" of the meter which does not have any impact on the recording of the consumption and hence the bill was based on actual consumption. Then the consumer representative further complained to IGR wherein it was agreed to give slab benefit for the consumption billed in Dec '13 to the consumer. Thereafter Tata Power had given a credit of Rs. 797/- towards the same. Then consumer approached CGRF for his complaint.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 18/09/2014. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. The Consumer has raised a complaint of excess billing on 02/01/2014. Based on the complaint, the data from the meter was downloaded and meter data was analysed. The meter was found to be defective under "Battery Failure RTC". However, the battery failure does not lead to change in registration of meter, thereby leading to high registration/ high billing. The old meter bearing serial number: TAT17583 was tested at site on 07/01/2014 and found to be working ok. The Old meter TAT17583 was thereafter replaced with new meter bearing serial number: L0110200.
2. On further analysis, it was found that for two consecutive months i.e. Oct-13 and Nov-13, the Consumer's meter could not be read by the meter reader as the secretary of the society did not allow to take reading and hence the bills for the respective months were sent by way of average billing. Thereafter, when meter reading in the month of Dec-13 was received, the average readings were adjusted against the actual reading of the meters and necessary bill was raised for the month of Dec-13. As per applicable regulations, a Distribution Licensee in absence of meter readings, can bill a consumer based on average based on the average consumption of last three billing cycles, wherein the meter readings were carried out. The Distribution Licensee can carry with this methodology of average billing for two consecutive months and if the meter remains inaccessible after two consecutive efforts to effect a meter reading, then the Distribution Licensee can initiate action against the Consumer under section 163 of EA, 2003 and other action such as giving seven clearing working days' notice to keep open the premises for taking the meter reading on the days stated in the notice. Thus, for the month of Oct-13 and Nov-13 as we could not read the meter, we have rightly billed the Consumer based on above methodology and in the month of Dec-13, we could read the consumption recorded by the meter.
3. We also analysed the load survey of the old meter vide meter no. TAT 17583 and it was found that magnetic tamper events were reported frequently in the month of July 2013 and once in the month of December 2013 and time of occurrence is during night for very short duration. We also observed multiple shoot ups at uncertain time periods and the Meter battery RTC getting failed.
4. Thus, in the month of Dec-13, the bills were raised based on actual reading and after adjusting the average units charged from the Consumer for the month of Oct-13 and Nov-13. It is also matter of record that the defect of battery failure RTC, does not lead to change in recording of consumption and more towards high registration.
5. The Consumer being aggrieved approached IGR. The IGR gave a detailed hearing on 06/06/2014. After hearing the Consumer, the IGR served the reply dated 10/06/2014 upon the Consumer, wherein IGR explained the high billing in the month of Dec-13 and also gave tariff slab benefit to the Consumer by passing a credit to the Consumer against Consumer no. 2033430.
6. Being aggrieved by the reply of IGR, the Consumer filed a complaint before CGRF. We wish to inform that we have carried out all the necessary steps to explain and resolve to

the complaint of consumer. Post IGR hearing, the IGR also passed slab benefit to the Consumer, which was credited to the account of Consumer. We are still willing to explain the working for the consumer number under discussion, wherein the slab benefit is granted to the Consumer.

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:

For two consecutive months i.e. Oct-13 and Nov-13, the Consumer's meter could not be read by the meter reader as the secretary of the society did not allow to take reading and hence the bills for the respective months were sent by way of average billing. Thereafter, when meter reading in the month of Dec-13 was received, the average readings were adjusted against the actual reading of the meters and necessary bill was raised for the month of Dec-13.

As per clause 15.3.1 of MERC (Electricity supply code and other conditions of supply) regulations 2005, In case for any reason the meter is not accessible, and hence is not read during any billing period, the distribution licensee shall send an estimated bill to the consumer: Provided that the amount so paid will be adjusted after the readings are taken during the subsequent billing period(s).

On complaint of the consumer the old meter bearing serial number: TAT17583 was tested at site on 07/01/2014 and found to be working ok. The Old meter TAT17583 was thereafter replaced with new meter bearing serial number: L0110200. On further investigation in laboratory the meter was found to be defective under "Battery Failure RTC" the test reports for which was submitted to the forum. However, the battery failure does not lead to change in registration of meter which is also confirmed by the manufacturer of meter. The relevant documents were submitted to the forum, the consumer also did not raise any objections, even after it was categorically being asked about the same in the hearing.

During the disputed period and even thereafter the consumer did not pay his dues in full.

Further it was communicated by the consumer that he had approached Tata Power office in Dharavi wherein he was advised by one of the Tata Power persons in billing department to pay certain amount with respect to the two bills he had brought with him. Consumer claims to have paid that advised amount, but even after that outstanding dues were pending in the particular consumer account. As consumer was not able to share any specific details or subjective data with respect to interactions with Tata Power's particular billing personnel, no concrete conclusion could be derived and hence no action can be concluded. The case reduces to accounting of billing and payment made procedures, rules, regulations etc.

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).

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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

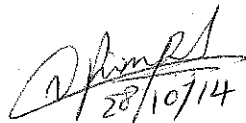
Order from Forum:

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

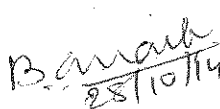
Orders of the Forum are required to be complied within 15 days of the receipt of the order. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005

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) Mr. Hafizullah Khairullah Khan,
A/2, Noor Manzil, Plot No 218,
Housing Society, LBS Marg, Agra Road
Kurla west, Mumbai 400070

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

Copy to:

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