

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**THE TATA POWER COMPANY LIMITED**

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Ref.CGRF/TPC/2013/ 34

Date: 03/07/2013

**Case No.CG/5/2013**  
**Date of Hearing: 04/06/2013**

**In the matter of M/S SNB Infrastructure Pvt. Ltd 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 07/05/2013 and this office letter No.CGRF/TPC/2013 dated 27/05/2013 wherein CGRF (TPC) granted a personal hearing to M/S SNB Infrastructure Pvt. Ltd (Consumer No.2263076) and representatives of TPC Limited on 4<sup>th</sup> June 2013 at 14.30 Hrs.

M/S SNB Infrastructure Pvt. Ltd (Consumer No.2263076) is having three phase power supply with tariff category LTII (b) –Commercial >20 kW and <= 50 kW 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. P P Menghrajani (Mobile 8425809890)
- 2) Mr. Arun Kumar Chaubey (Mobile 8425809823)

**On behalf of The Tata Power Company Limited:**

- 1) Mr. Gaurav Gautam
- 2) Ms. Dhanashree Dabke

**Details of deliberations**

The consumer had complained about high billing vide letter dated 23/06/2012 duly acknowledged on 29/06/2012 by Tata Power. In the said letter the consumer had mentioned that "...It requires proper checking of meter..." In the subsequent letter dated 30/06/2012 received by Tata Power on 02/07/2012 the consumer had again requested for "testing and checking of electricity meter". In this letter the consumer had reminded that the complaint was lodged at the call centre of Tata Power vide Complaint No: TPC13/1406414 on 25/06/2012.







He had formally requested on 18/07/2012 for the testing of meter in the standard proforma provided by Tata Power and paid the requisite fees of Rs. 300/- on 18/7/2012 for the same which was confirmed by Tata Power during the hearing.

Again on 13/09/2012 (after more than two and half months from his first complaint of 23/06/2012), the consumer had sent a reminder as no action was taken till then. He regretted that Tata Power had not even responded to his letters sent earlier.

Tata Power asked the consumer to co-ordinate with R-Infra officials vide letter dated 14/09/2012. The consumer co-ordinated with R-Infra officials vide letter dated 17/09/2012. On 5/10/2012 the consumer informed that the meter has not yet been tested by the Reliance Infrastructure & requested Tata Power to replace the meter of Reliance with the meter of Tata Power. He paid the meter testing charges of Rs. 300/- to R-Infra also on 29/10/2012 based on payment advice from R-Infra. On 26/11/2012 consumer informed that the meter was removed on 30/10/2012 & taken for testing but the testing report for the same was not received by them.

In the letter dated 16/02/2013, the consumer provided the data for months: Sept 2011 to Jan. 2013 in tabular form and pointed out that i) With the Reliance connection & old meter (RI-7945187), the average monthly consumption was 1150 units for the period-2<sup>nd</sup> Sept 2011 to 25<sup>th</sup> April 2012, ii) With Tata Power connection but with the same old meter the average monthly consumption was 3034 billed units (i.e. 2761 metered units as mentioned in subsequent letter dated 14/6/2013) for the period 26<sup>th</sup> April 2012 to 30<sup>th</sup> Oct 2012. iii) With the new meter (RI-7897836) the average monthly consumption was 1579 billed units for the period Nov 2012 to Jan 2013.

Based on this, the consumer requested to Tata Power to charge for the units as per new average (1579 units/month) for the disputed period also.

In another letter dated 5/4/2013, the consumer informed that redressal to his complaint dated 5/2/2013 to IGR Cell of Tata Power was pending till then and therefore the Tata Power should wait for additional security deposit demanded by them till the redressal of the complaint.

In the follow up letter dated 7/5/2013 the consumer pointed out that the letter dated 6/4/2013 from IGR Cell was delivered to them on 2/5/2013 and stated that they were still aggrieved & matter should be referred to CGRF. The consumer submitted the complaint to CGRF in Schedule A form on 7/5/2013.

The nature of relief sought from the Forum was that the consumer should be charged for billed units based on the average units consumed & recorded by new meter for the period of Nov 2012 to Feb 2013 for the disputed period. Consequently the additional security deposit should not be demanded.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 23/05/2013. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. The Consumer had applied for changeover and as a part of changeover, JMR was carried out on 26/04/2012 and changeover was completed. At the time of JMR, the R Infra meter was retained as the Consumer had opted for R Infra meter at the time of applying for changeover. The said process was carried out in the presence of Consumer representative.
2. The consumer lodged a complaint in the month of June-12 for exorbitant bill after changeover. The said complaint was entertained and action was taken by Tata Power Co. The meter was checked at site and the data of the meter was downloaded and analyzed at Tata Power's office, wherein they found no anomaly in the data. As a process, the technical team also checked whether there is any cross connection, but on inspections no cross connection was found at Consumer's meter. Also, downloaded meter data was checked with SAP readings and the same were found ok. Similar

complaints were made by the Consumer and logged with respect to high registration of bills for future bills and also made complaint for testing the meter in the Laboratory.

3. Thereafter, as the meter at the Consumer premises was of R Infra, it was informed by Tata Power to the Consumer through a letter dated 14/09/2012 and 26/ 09/2012 to co-ordinate with R Infra for getting their meter tested in R Infra laboratory. The meter vide meter no. RI 79945187 was replaced with new meter vide meter no. RI 7897836, for testing the meter at Laboratory. As the meter was R Infra meter, it was tested in R Infra meter testing laboratory in the presence of Tata representatives and the same was tested on 05/11/2012, in the presence of consumer. As per meter test report, the meter was found ok in accuracy.
4. As the Consumer was not satisfied with the resolution provided by Tata Power Company, the Consumer filed a complaint before IGR Cell on 05/02/2013.
5. As the Consumer filed a complaint before IGR cell, the IGR cell gave a hearing to the Consumer and tried to resolve the issue. The IGR cell then sent a reply dated 06/04/2013 to Consumer informing him the action taken to resolve his complaint. In the said reply, IGR cell informed that disputed meter was tested and was found to be within accuracy limit. It was informed that the meter downloaded data has been analyzed and no abnormal event found. The Consumption pattern was also found to be as per actual connected load obtained from site. It was informed meter downloaded readings and billing readings are cross checked and found to be in order and the Consumer has been billed as per actual consumption recorded by the meter.
6. Being aggrieved, the Consumer approached CGRF, the complaint before CGRF, the Consumer had prayed for the same relief and same facts were mentioned. Each and every complaint of the Consumer was entertained and resolved by the Company as mentioned hereinabove. Tata Power strongly deny each and every contention mentioned in the complaints, with respect to action taken by Tata Power on the Complaints lodged by the Consumer.
7. Tata Power reiterate that they have examined the MRI meter reading and cross checked with SAP reading and found them in order. The MRI data was analyzed and found to be ok. The meter was 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 on Tata Power's side. This may have due to the consumption at Consumer's end and there are many factors that may lead to high consumption.

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:

During the hearing consumer informed that IGR cell did not give any hearing to the consumer as contended by Tata Power in their reply dated 23<sup>rd</sup> May 2013. To this Tata Power informed subsequently that though they have not given him personal hearing, but the Consumer's representative was explained the data by the IGR representative on phone with a request to meet the IGR head if required. The Consumer representative met the IGR head only after receipt of letter dated 06/04/2013 from IGR. Thereafter the IGR gave a detailed explanation to the Consumer's representative with respect to order/ letter.

The consumer had complained to IGR Cell of Tata Power on 5/2/2013 and the consumer's complaint was replied by IGR cell on 6/4/2013 & delivered to the consumer on 2/5/2013.

The consumer vide letter dated 5/10/2012 had requested to replace the old meter of Reliance Infrastructure Pvt. Ltd with the meter of Tata Power Company Ltd. The old meter was replaced by Reliance meter and not with Tata Power meter as desired by the consumer.

In the Order of MERC in case No.50 of 2009, the detailed operating procedure for change over is given in Appendix 1. As per clause no.1.10: i) The supply Distribution Licensee shall be the sole interface for the consumer and shall deal with all consumer service requirements and complaints including those relating to billing, meter accuracy, supply quality, network, etc.

ii) The supply Distribution Licensee shall inform the Wheeling Distribution licensee of all complaints relating to meter accuracy including action to be taken including meter testing at site, at the Supply Distribution Licensee's test laboratory, at the Wheeling Distribution Licensee's test laboratory or at the independent laboratory, as the case may be.

In the light of this, it is surprising that Tata Power asked the consumer to co-ordinate with R-Infra officials vide letter dated 14/09/2012 i.e. also too late -almost 2 months after accepting the meter testing fees of Rs.300/- on 18/07/2012.

The consumer paid the testing charges of Rs. 300/- to R-Infra also on 29/10/2012 based on payment advice from R-Infra.

As per the stipulation under Regulation 14.4.3 of the Electricity Supply Code which deals with testing and maintenance of the meter, the Distribution licensee is required to test the meter and provide a copy of the test report within a period of two months from the date of request for testing.

In this case, the first request was made by the consumer on 18/07/2012 and the test was carried out on 05/11/2012 and the report was received by the consumer on 05/02/2013. Hence it is evident that there was delay in the process. It may be worthwhile to refer to the observation of the Hon'ble Electricity Ombudsman, MERC in Shri Suhas Venkatesh Kulkarni versus Maharashtra State Electricity Distribution Co. Ltd (in Representation no. 69 of 2007). The Hon'ble Electricity Ombudsman, MERC in the said representation observed that there was delay in submitting the meter test report by the distribution licensee to the appellant and compensation of Rs.2000/- for the sufferance and inconvenience caused to the Appellant in the whole process was awarded.

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 Reliance Power test laboratory. If the complainant agrees to this, then Forum would permit the testing of that meter at NABL approved laboratory. He was also told that if the meter tested proves to be defective at NABL approved laboratory, he would be refunded the meter testing fees paid by him along with the due credit, if any, to be paid by Tata Power. As the complainant did not categorically opt for the testing of the meter in NABL approved laboratory, Forum decided to issue the order based on the test results and as per the provisions of the regulation.

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 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:

1) In view of the fact that the installed meter has been found to be running within the permissible limits, the consumer is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd. and consequently also make payment of additional security deposit as stipulated in clause 11 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20<sup>th</sup> January 2005.

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 20<sup>th</sup> January 2005.

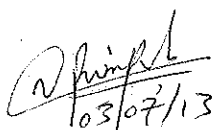
2) Keeping the principle mentioned in the Forum's observation above, it would be just and reasonable to award compensation of Rs.2000/- for the sufferance and inconvenience caused to the Consumer in the whole process. The Tata Power Co Ltd is directed to pay the compensation by way of adjustment in the ensuing bill or otherwise but within a period not exceeding 45 days from the date of this order.

3) Tata Power is also directed to refund the testing fees of Rs. 300/- paid by the consumer on 18/7/2012 along with bank interest of RBI from 18/7/2012 to the date of refund within a period not exceeding 45 days from the date of this order.

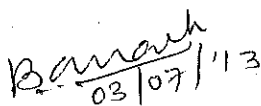
Compliance of the order should be reported accordingly.

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

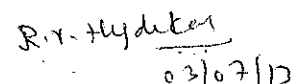
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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

  
03/07/13

(Vrushal N. Pimple)  
Member

  
03/07/13

(Bhalchandra A. Naik)  
Member

  
03/07/13

(R. V. Hegdekar)  
Chairperson

To

1) M/S. SNB Infrastructure Pvt. Ltd.,  
512/A, 5<sup>th</sup> Floor, Kohinoor City Mall,  
Off LBS Marg, Kiroli Road, Nr Kohinoor Mall,  
Kurla (W), Mumbai 400070

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