

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
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Ref. CGRF/TPC/2017/01

Date: 06/03/2017

Case No.CG/01/2017
Date of Hearing: 02/03/2017

In the matter of M/S. Premier Gems Private Ltd. (Consumer No. 900000022305) 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 20/01/2017 and this office letter No.CGRF/TPC/2017/1 dated 17/02/2017 wherein CGRF (TPC) granted a personal hearing to M/S. Premier Gems Private Ltd. (Consumer No. 900000022305) and representatives of TPC Limited on 2nd March 2017 at 2.30 Hrs.

M/S. Premier Gems Private Ltd. (Consumer No. 900000022305) is having power supply with tariff category LT II(b) – Comm.

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) Ms. Benazeer Barmare
- 2) Ms. Priyanka Basu Ray
- 3) Mr. Abhishek Sethi

On behalf of The Tata Power Company Limited:

- 1) Mr. Kishtaiah Baltha
- 2) Mr. Gaurav Gautam
- 3) Mr. Amberish Gaekwad
- 4) Mr. Devanjan Dey

Details of deliberations

M/S Premier Gems Private Ltd. has submitted their grievance to the forum and describes their complaint in details as below:

The complainant M/s Premier Gems Pvt Ltd received a bill of Rs 51829/- in Oct- 15. Till date, their bill was in the range of 35000- 38000. Although, this bill was not acceptable they paid the same and requested Tata Power to verify and also check the meter, which is working properly or faulty.

On this complaint, Tata Power technical executive called and confirmed that meter was fine and there was no problem in it. Not satisfied with this answer they requested for a lab test.

After this, on one Sunday Tata Power team came for actual replacement of old meter for taking it for Lab testing. During this time they noticed that Y phase of old meter has been bypassed, the same was explained to consumer and all three phases normalised with charging of new meter.

Tata Power instead of justifying their stand, raised a supplementary bill of rupees 2,74,863 /- and asked them to pay the same. They had discussion with Tata Power team headed by Ms. Prachi Shah and other finance/ Commercial employees explained the calculations but were highly unacceptable to complainant, and thus they refused to pay this high supplementary bill.

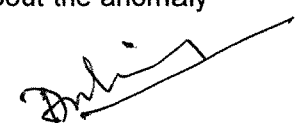
Mr. Shirish of Tata Power of recovery team had sent Mr. Imran to disconnect the meter without any notice .

They have raised following queries :

1. If only two phases were operational instead of three phase , after clearing this by pass how their consumption and bills are still in the range of Rs. 35000- 38000, there is no increase when all the three phases are operational
2. If the meter was by passed that means was non- operational then how could Tata Power could collect the units/ readings for the month?
3. How do one know that these readings are right?
4. What are the proofs of the additional readings and a generated supplementary bill?
5. Why Tata Power has not replied on their complaint of Oct 2015?
6. Why Tata Power had sent for the disconnection when there was dispute about supplementary bill and regular monthly bills were being paid by them?

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 08.02.17. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. The Consumer had lodged a complaint for High bill for the month of Oct-15. The said complaint was entertained and action was taken by Tata Power Co. The data of the meter was downloaded through MRI and thereafter analyzed at our office, wherein the data was found in order and no anomaly was detected in the data. Thereafter, the Consumer applied for meter testing in Laboratory for meter number LCD00610 on 5th January 2016. Based on request, when Meter installation team of Tata Power visited site for replacing the meter for meter testing, the team found that out of the 3 Phases, one phase i.e. Y Phase supply was directly connected. While carrying out such replacement of meter for meter testing such rectification was done at site and a new meter vide meter no. LCD00781 was installed. In parallel it was internally investigated about the anomaly



at site and it was found that basis complaint dated 18th May, 2014 for voltage fluctuation, it was identified that the issue was due to a SFU switch base problem. The said switch was replaced and the power was restored by providing direct supply from the Y Phase. However, due to this the consumption through this phase was not recorded by the meter. As consumption through Y Phase could have been billed, hence we have raised a supplementary bill for the unbilled units for the period (18th March, 2014 to 10th January, 2016) for an amount of Rs. 274863/- (28% unit consumption through Y Phase which could be billed).

2. The Consumer did not agree with said Supplementary bill and raised its complaint not only to Tata Power Senior Leadership but also to IGR. The team looking after Senior Leadership complaints also met the representative of Consumer and explained the details. However, the representative of Consumer was not willing to accept the given explanation and showed its unwillingness to make payment of the supplementary bill. Similarly, before IGR the Consumer representative was also explained in detail the reasons of raising supplementary bill in detail in a hearing before IGR on 21st December, 2016. We reiterate and rely on the reply filed by IGR dated 5th January, 2017. In the said reply it was specifically mentioned that there was meter reading error, basis which the consumption for the month of October 2015 (24th September, 2015 to 23rd October 2015) was on the higher side i.e. 5329 units as 867 units for the month of November-15 (24th October, 2015 to 22nd November, 2015) has been read in the month of October 2015. Because of this error, the bill for the month of October-15 is on the higher side, when actually the bill for the month Oct-15 should have been 4462 units (5329-867) and that for the month of Nov-15 should have been 3699 units (2832+867). Thus, the issue pertaining to high bill is merely because of wrong meter reading, which is clarified therein in the IGR order as well hereinabove.
3. The Consumer had approached CGRF aggrieved by the order passed by IGR. We would like to highlight that there are two different issues involved which coincidentally are interconnected. The first issue is pertaining to high bill for the month of Oct-15, which is explained herein as well as in the IGR reply that the bill is not exorbitant but due to meter reading error consumption of Nov-15 is captured in the month of Oct-15. The second issue is pertaining to Supplementary bill, which is also explained herein above that as the Y Phase of the meter was recording consumption, the bill for the Y phase consumption was being raised through Supplementary bill for the period 18th March 2014 to 10th January, 2016 for an amount of Rs. 274863/-. As mentioned earlier, this fact was detected when Tata Power were investigating high bill complaint of Consumer. This issue is not related to the complaint of high billing raised by the Consumer, as the Consumer would have anyhow paid the amount in its monthly bill the total amount shown in supplementary bill, had the Y phase was reading consumption made by Consumer. Thus, the Supplementary bill is nothing but the bill the consumer would have paid monthly had there been no issue pertaining to Y phase not reading consumption made. The said Supplementary bill is merely the missed consumption for Y phase for such period and there is no penalty nor any other charges.
4. We reiterate that every complaint of the Consumer was entertained and resolved by the Company. As the Consumer failed to make payment of supplementary bill within due date, Tata power within its statutory rights after following due process of law initiated action against Consumer. Further, as the Consumer failed to make payment of charges within due date, necessary charges such as DPC and interest are rightly leviable against such Consumer for the said Supplementary bill.

5. We request consumer to make payment of supplementary bill as the same is basis the consumption on Y phase which could not be billed earlier. Thus there is no case on merits and thus prayed that the complaint be dismissed with cost.
6. We are relying on the documents already shared with Consumer and shall take leave of Hon'ble Forum to file any other document during pendency of the complaint, with a copy to 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:

Tata Power in its reply have stated that there was meter reading error, basis which the consumption for the month of October was on the higher side i.e. 5329 units as 867 units for the month of November-15 has been read in the month of October 2015. Because of this error, the bill for the month of October-15 is on the higher side, when actually the bill for the month Oct-15 should have been 4462 units (5329-867) and that for the month of Nov-15 should have been 3699 units (2832+867). Thus, the issue pertaining to high bill is merely because of meter reading.

During the visit of Tata Power for replacement of meter pertaining to the complaint of above mentioned Oct 2015 high billing, it was noticed by Tata Power officials that Y phase in the metering panel has been by-passed and the consumption is not being registered for that Phase in the meter. As informed by Tata power this anomaly at site was basis complaint dated 18th March, 2014 for voltage fluctuation, in the complaint it was identified that the issue at that time was due to a SFU switch base problem. The said switch was replaced and the power was restored by providing direct supply from the Y Phase. This anomaly was allowed to prevail till the time consumer made complaint for testing of meter and was rectified only by Tata Power team visiting site for meter replacement on 10th Jan 2016.

It is also noted that considering the data driven from new meter charged after rectifying the metering arrangement for all three phases, Tata Power has considered the billing correction of only 28% for Y Phase anomaly and not 33% on face value, which would have been incorrect.

Order from Forum:

As established by the old meter testing report on the basis of recorded consumption of new meter and deliberations herein above Tata Power has raised a supplementary bill for the period of 18th March 2014 to 10th January 2016.

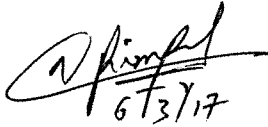
The forum after detailed deliberations and facts of the case comes to conclusion that the bill was raised on consumer within 24 months as required under the provisions of section 56(2) of EA 2003. Hence the forum directs consumer to pay outstanding supplementary bill. However forum directs Tata Power to waive OFF the charges of Delayed Payment and Interest, also a 3 monthly installment option can be considered if consumer desires.



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.

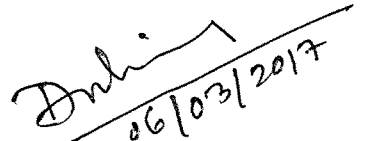
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity 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) Premier Gems Pvt Ltd.
6, Level 2, Phoenix Market City,
Kamani, Kurla West,
Mumbai-400070

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

