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

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e-mail: grievance.cell@tatapower.com

Ref.CGRF/TPC/2013/36

Date: 19/08/2013

**Case No.CG/7/2013
Date of Hearing: 01/08/2013**

**In the matter of M/S Krishna Heritage CHS 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 dated 21/05/2013 in Schedule-A form received by Tata Power office on 27/05/2013 & further received in CGRF office on 16/07/2013 and this office letter No.CGRF/TPC/2013 dated 26/07/2013 wherein CGRF (TPC) granted a personal hearing to M/S Krishna Heritage CHS Ltd (Consumer No.2013446) and representatives of TPC Limited on 1st August 2013 at 14.30 Hrs.

M/S Krishna Heritage CHS Ltd (Consumer No.2013446) is having three phase power supply with tariff category LTI –Residential load connected to two meters.

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. Dilip Worah, Secretary (Mobile 9833188529)
- 2) Mr. C.S.Shetty, Manager (Mobile 9870445981)

On behalf of The Tata Power Company Limited:

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

Details of deliberations

The consumer (No. 2013446) informed that the consumption recorded by the two meters Nos: 9525796 & 9525798 up to Mar.2012 and the entire preceding year was zero as the exclusive connected load was that of the fire hydrant system which was not in use till then. In April 2012 there was some consumption and the net bill amount of Rs.115/- was paid. However the recorded consumption for the month of May 2012 was exorbitant but the bill amount of Rs.25152/- was paid under protest. On receipt of June 2012 bill which was also high the consumer lodged a complaint on 11/07/2012 vide complaint No. TPC-13-1449885 and the bill amount of Rs. 79788/- was paid under protest to avoid disconnection of electric supply. In

response to this, Tata Power representative visited the society but could not resolve the problem & informed that there is some reversal of electrical energy from the said meter & could not rectify the problem. The consumer's electrician checked the same as per the advice of Tata Power representative and informed the consumer that it was not so. Therefore another complaint was lodged vide complaint no. TPC-13-1504534 dated 01/08/2012 along with a letter giving details on the same day wherein Tata Power was requested to look into the matter before the due date of payment of July 2012 bill for Rs. 62,119/-.

They were surprised & shocked to note the contents of Tata Power's letter dated 02/08/2012 wherein it was informed that the complaint was based more on perception rather than on facts. To this Consumer vide letter dated 13/08/2012 reiterated that from all previous bills for the said meter their consumption was zero up to March 2012. Thereafter since May 2012 onwards they were receiving exorbitant bills. Even if a fire hydrant pump runs for 4 hrs daily then also meter reading cannot come to such high consumption and amount. Fire hydrant pump is run rarely and that too for testing purpose only. The fire hydrant pump is not used for any industrial and/or regular purpose.

Tata Power issued the disconnection notice on 23/08/2012. To this, the consumer informed by a letter dated 25/08/2012 that their claim was proved as the bill for August 2012 had come down to just Rs.1740/-. In another letter dated 01/09/2012 they further informed that they have 4 consumer nos. viz. 2012666, 2012667, 2012813 and 2013446. The last one is connected to fire hydrant system. Bills for the first 3 consumer nos. have been within normal range and they have made payments for these bills up to date. Problem has arisen with consumer no. 2013446 (Fire Hydrant Meter) that too from May, June, July 2012 with exorbitant bills. They did make payment of May 2012 & June 2012 bills under protest and lodged complaints dated 01/08/2012, 13/08/2012 and 25/08/2012 for Tata Power to look into the matter. They have further kept on hold bill for the month of July 2012 of Rs. 61,532/-(if submitted before the discount date) which was also very high amount for unconsumed units for which the complaints were lodged from time to time for rectification.



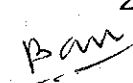
Based on the advice from Tata Power, they applied for meter testing of meter sr.no.9525796 & 9525798 of consumer no. 2013446 on 06/09/2012. Meters were tested at Tata Power laboratory in presence of representative of R-Infra on 19/10/2012. Result on both the meters showed meters OK in accuracy. However current failure event was observed in data of meter no. 9525796 & current failure and current reversal events were observed in data of meter No. 9525798.

The nature of relief sought from the Forum was that the excess payment made during the disputed period should be refunded by Tata Power & credited to them.

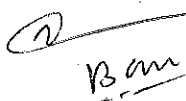
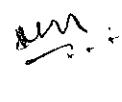
The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 18/07/2013. The relevant points reiterated by the representative of the Tata Power during the hearing are as follows:

1. The Consumer had applied for changeover and as a part of changeover, JMR was carried out on 22/01/2010 and changeover was completed retaining the meter of R Infra. The said process was carried out in the presence of Consumer/ Consumer representative.
2. The customer lodged a complaint of high registration for the months of May-12 and June-12, stating that they had received exorbitant bills. The Consumer thereafter lodged a complaint stating that the meters are for fire hydrant system pump, which is rarely used and hence such a high consumptions does not arise. The said letter was replied by us through our letter dated 2nd August 2012. The complaint of the Consumer was attended by an engineer, who checked the meter at site and found the meter OK. Further, as a process of high registration, the engineer checked the downloaded meter data with SAP readings and the same were found OK.

We reiterate that the meter was checked at site by the Engineer and the downloaded meter data was compared with SAP readings and the same were found OK. The said fact was also informed to Consumer through our letter dated 02/08/2012.

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3. Thereafter as the Consumer failed to make payment as of July-12, the recovery department after following due process of law served the Consumer notice dated 23/08/2012 for disconnection to which the Consumer replied through its letter dated 25/08/2012. We deny that Tata power has not responded to any of the letter sent by Consumer to Tata Power, when letter dated 2/08/2012 sent by Tata Power to Consumer is admitted by the Consumer in its letter dated 13/08/2012. On 29/08/2012, we wrote to Consumer informing the procedures carried out by us such as meter reading from system were re-checked to verify punching errors and meter data was downloaded from site and checked to verify tampering event, if any. Both the procedures gave negative result. In the said letter also it was suggested to the Consumer that if the Consumer is not satisfied, the consumer may apply for meter testing.
4. Thereafter, the Consumer through its letter dated 1st September 2012 raised similar complaint of high registration for May-12, June-12 and July-12 informing about non-payment of bill for the month of July-12 and informing that no rectification or corrective measures were taken. We deny that no corrective action was taken.
5. Being aggrieved, the Consumer applied for meter testing on 06/09/2012. The meters were tested on 19/10/2012 in the presence of R Infra representative and the Consumer representative and same were found OK in accuracy.
6. After receipt of the meter testing report the Consumer again wrote a letter dated 01/12/2012 to Tata Power, wherein the Consumer claimed for refund of the excess amount paid by the Consumer as the according to the Consumer, the observation in the meter test report showing "Current reversal event of power" is the reason for high registration and billing. The said letter was replied by Tata Power through its letter dated 10/12/2012, informing the Consumer the investigation that is carried out by Tata Power to address the Consumer's complaint. It was also suggested to the Consumer that if the Consumer is not satisfied with the resolution, the Consumer may approach Internal Grievance Redressal Forum (IGR).
7. Even after this the Consumer through its letter dated 08/02/2013 informed Tata Power to refund the excess amount paid by the Consumer in the past and billing payment is not warranted till the pending issue is settled. The said letter was replied by us through our letter dated 14/02/2013, wherein we again informed the Consumer that if the Consumer is not satisfied with the efforts of the Company, the Consumer may approach IGR.
8. As the Consumer was not satisfied, the consumer filed a complaint before IGR on 25/02/2013 for inflated bills since May 2012. The IGR had taken all the required actions, to resolve the complaint of the Consumer and informed the Consumer that both the meters were checked in the laboratory and found ok in accuracy. Meter downloaded data has been analysed and no abnormal events found during the disputed period. Meter downloaded readings and billing readings are cross checked and found to be in order. Consumption pattern of the consumer is found to be as per the actual connected load obtained at site. Finally, the IGR concluded that the Consumer is billed as per actual consumption recorded by the meter and hence the Consumer should pay the outstanding dues.
9. Being aggrieved by reply the Consumer has approached CGRF. In 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. We strongly deny each and every contention mentioned in the complaints, with respect to action taken by us on the Complaints lodged by the Consumer.

We reiterate that we have examined the meter reader's reading sheet, checked the downloaded meter data with SAP readings and the same were found OK. The meters were already tested and the meter accuracy and recording was found to be ok. Thus there is no anomaly in the meters or the reading therein or any fault 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.

10. 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.

Before the hearing Tata Power in its written communication informed that site investigation and testing was carried out jointly with R-Infra on 24/07/2012 in which it was informed to the consumer to switch off the fire fighting circuit load. After this communication to consumer on 24/07/2012, the consumption of both the meters has been dropped and came back to zero.

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 particular load of consumer no. 2013446 was recorded by two different meters as per the bills and both meters were sharing almost 50% consumption each of the load in contention. In general a particular load is recorded by only one meter. Exception to this is fire pump load which requires two sources as an emergency measure, which is the load in this case. Also same consumption recording by two meters is possible only in two conditions, i.e. either the meters are in series or the meters are in parallel. In this case on site investigation it was observed that both meters are connected in parallel and hence are recording 50-50 % consumption of the load. This implies that though there are two meters for this particular consumer there is no double recording of the consumption.

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 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.

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 (meters in this case).

As the meters are 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 meters

Order from Forum:

In view of the fact that the installed meters have 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.

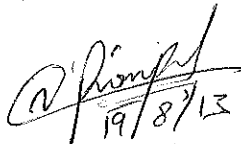
Orders of the Forum are required to be complied within 30 days of the receipt of this order. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005.

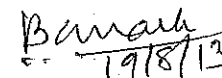
The consumer had submitted the grievance in Schedule-A form with a forwarding letter dated 21/05/2013 by courier that was received by Tata Power office on 27/5/2013. However it was sent by Tata Power to CGRF office on 16/07/2013. Thus there was a delay of 50 days hence Tata Power is directed to waive off DPC & interest for the period of 50 days (between 27/05/2013 to 16/07/2013).

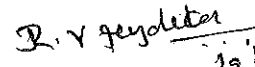
Compliance should be reported within 30 days from issue of this order.

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


(R. V. Hegdekar)
Chairperson

To

1) M/s Krishna Heritage CHS Ltd,
Krishna Heritage, Opp Don Bosco
School, Linking Road, Off L.T. Road,
Borivali(W), Mumbai 4000 91

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