

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/2012/

Date: 06.07.2012

Case No.CG/7/2012
Date of Hearing: 20.06.2012

In the matter of Bharat and Bhavana Umarale 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 10.04.2012 submitted in Schedule-A form to CGRF on 08.05.2012 and this office letter No.CGRF/TPC/2012 dated 06.06.2012 wherein CGRF (TPC) granted a personal hearing to Mr. & Mrs. Bharat and Bhavana Umarale (Consumer No.2147198) and representatives of TPC Limited on 20th June 2012 at 14.30 Hrs.

Mr. Bharat and Mrs. Bhavana Umarale (Consumer No. 2147198) are having single phase power supply with tariff category LT-I –Residential 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 Complainant:

- 1) Mr. Bharat Umarale (Mobile 9869344707)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gautam Gaurav, Nodal Officer
- 2) Mr. Uttam Jain

Details of deliberations

Mr. Bharat Umarale, the complainant informed the Forum that he had shifted to Tata Power connection on 25.04.2011. For the first 16 days after change over consumed units were for 207 units (388 units for 30 days on pro-rata basis, say). Consumption units for second bill of June 2010 were for 382 units. The average monthly consumption was of 178 units with Reliance Energy. Third month bill of July 2010 was for 176 units which is acceptable level. He further stated that during the first billing time they were out for more than two days and during second billing time they were out of India for about 12 days. He further informed the Forum that he had requested Tata Power Co Ltd many times to submit day wise details of units consumed since his shifting to Tata Power i.e. 25.04.2011 but he has not received any response from Tata Power. He requested the Forum that his plea that the bills as paid by him on average basis be accepted.

hereinabove. We strongly deny each and every contention mentioned in the complaints, with respect to actions taken by us on the Complaints lodged by the Consumer. We also deny the contention of the Consumer that he was out of town for the month of May-11 and June-11. The Consumer is put to strict proof thereof.

8. In addition to this, we did the comparison of consumption. There is no major difference in Consumption pattern of consumer, when he was receiving supply from R Infra.

For the sake of argument and without admitting it, even if assume that the meter was faulty or running fast, the said meter should have been faulty or run fast for the whole period when it was installed at site. In the present complaint, it is the case of Consumer that bill for the month of May 11 and June 11 are very high, then how the same meter can give a consumption of 176 and 188 for July 11 and August 11 respectively, which is as per average consumption of Consumer and also admitted as acceptable to the Consumer.

Thus, we reiterate that we have examined the meter reader's reading sheet, 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 our side. This may have due to the consumption at Consumer's end and there are many factors that may lead to high consumption.

9. 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.

During the hearing, the complainant again asked for day wise details of units consumed since his shifting to Tata Power i.e. from 25.04.2011. Forum asked Tata Power to submit it. Tata Power agreed to look into the matter and subsequently Tata Power intimated on 06.07.2012 to the Forum that CMRI data is available for the period of 18.07.2011 to 17.08.2011, which was downloaded during meter testing in lab on 24.08.2011. As a matter of record, an electronic meter can store in its memory, data of only 35 days.

It added further in its clarification that the Consumer demanded for CMRI data for meter no. N0006323 on 31st December 2011 in which case CMRI data could have been downloaded only for 35 days prior to 31st December 2011. Hence they were not able to provide data from 25.4.2011 to 10.6.2011.

Forum provided the information that the complainant may approach any laboratory approved by NABL for testing the meter, 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 the 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.

The complainant was not in favour of staking the amount of test fees (say about Rs.5000/-) as the disputed claim was just for about Rs. 1600/- only. 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.

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). Further, Section 55 of The Electricity Act, 2003 mandates that no licensee shall supply electricity, except through installation of a correct meter.

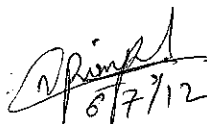
In case the meter is found to be running within the permissible limits of error, it becomes obligatory for the consumer to make the payments by the due date, of the bills raised by the Tata Power Co. Ltd., on the basis of the actual readings recorded by the meter

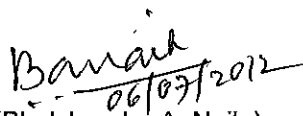
Order from Forum:

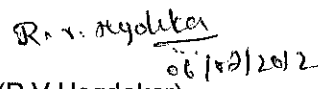
In view of the fact that the installed meters have been found to be running within the permissible limits, the complainant is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd. Orders of the Forum are required to be complied within 15 days of the receipt. The payment of the 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


(R V Hegdekar)
Chairperson

To

Mr. Bharat and Mrs. Bhavana Umarale, 8, Sai Dham CHS Ltd., 276, P.M.Road, Kunkuwadi, Near Hanuman Mandir, Vile Parle (E), Mumbai 400057.

Copy to:

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