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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/ 79

Date: 14.12.2012

Case No.CG/9/2012
Date of Hearing: 05.12.2012

In the matter of M/s Beta Containers Company 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 by the complainant first on 29.10.2012 and later the completed Schedule-A form on 23.11.2012. The CGRF (TPC) granted a personal hearing to M/s Beta Containers Company (Consumer No.2233330) and representatives of TPC Limited on 5th December 2012 at 14.30 Hrs. vide letter No.CGRF/TPC/2012 dated 26.11.2012.

M/s Beta Containers Company (Consumer No.2233330) is having three phase power supply with tariff category LT-II (c)-Commercial load>50 kW.

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. Jayesh D Patil (Mobile 9920765368)
- 2) Mr. Pathak Kalpesh (Mobile 9320728690)
- 3) Ms. Kanchana Iyer (Mobile 9220528946)

On behalf of The Tata Power Company Limited:

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

Details of deliberations

Mr. Jayesh D Patil, the representative of the complainant informed the Forum that the meter reading was showing higher side consumption compared to their use for the month of January 2012. They had similarly complained to Tata Power about high consumption reading for the month of February 2012. Meter testing was done on meter no.RI-L978278 on 10.5.2012 after replacement of the meter with new meter No.RI-L980589 at site on

16.3.2012. Even after replacement, the meter reading was still showing higher consumption compared to their use.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 28.11.2012. The relevant points reiterated by the representative of the Tata Power are as follows:

1. The Consumer had applied for changeover and as a part of changeover, JMR was carried out on 13/10/2011 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 on 25/02/2012, through its mail for high registration, stating that they had received exorbitant bill for the month of January 2012. The said complaint was entertained and immediate action was taken by Tata Power Co. The meter was checked at site and the data of the meter was downloaded and analyzed at our office. We found no anomaly in the data. Thus, the meter was checked by the representative at site and the data was analyzed by the Engineer at office and was found OK. 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 of Jan-12 and Feb-12, but all the necessary actions were taken in the presence of Consumer/ consumer representative and we found that there was no fault in the meter or in the readings.
3. Thereafter, on 09/03/2012, the Consumer applied for meter testing at the meter testing laboratory. The meter vide meter no. RI L978278 was replaced with new meter vide meter no. RI L980589 on 16/03/2012, 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 10/05/2012, in the presence of consumer. As per meter test report, the meter was found Ok in accuracy.
4. In the mean time, the Consumer/ Consumer representative addressed a letter dated 17/05/2012, wherein the consumer has disputed bill for the month of Feb-12, Mar-12 and April-12.
5. As the Consumer was not satisfied with the resolution provided by Tata Power Company, the Consumer filed a complaint before IGR Cell on 01/06/2012.
6. As the Consumer filed a complaint before IGR cell, the IGR cell gave a hearing to the Consumer and tried to resolve the issue. After detail hearing, the IGR cell sent a reply dated 20/07/2012 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 was also found to be in order. 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.


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7. The consumer through its letter dated 23/07/2012 protested against the high bill for the month of Mar-12, April -12, May-12 and June-12. However, it is pertinent to note that meter no. RI-L978278 was replaced with new meter RI-L980589 on 16/03/2012, for testing the meter at the laboratory. Thus, if the Consumer is disputing the bills for the above months, it is the Consumer who needs to check its internal wiring or use of power supply beyond point of commencement of supply. The Consumption of Consumer since October 2011 till date is as follows:

Sr. No.	Month	Metered units
1	October-11	9568
2	November-11	22776
3	December-11	25672
4	January-12	39376
5	February-12	47232
6	March-12	35616
7	April-12	36648
8	May-12	17920
9	June-12	37680
10	July-12	43584
11	August-12	37896
12	September-12	54176
13	October-12	34896

8. 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. 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 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 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.

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.

Based on documents on record 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 this case it is undisputed that The Tata Power Company Ltd had raised bills on the basis of charges for the electricity supplied through a correct meter, in accordance

with section 55(1) of the Electricity Act, 2003. 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

Forum suggested that if the complainant is not satisfied with the meter testing done at Reliance test laboratory he may ask for the testing at any other laboratory approved by NABL.

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 as per the provisions of the regulation.

For the grievance about the new meter No.RI-L980589, the consumer is advised to ask for testing of the new meter installed and if necessary, to approach the IGR Cell of The Tata Power Co. Ltd. first for the redressal. If the grievance persists, he may approach CGRF as per the provisions of the regulation.

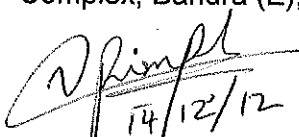
Order

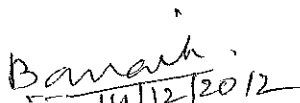
In view of the fact that the meter (No. RI-L978278) had been found to be running within the permissible limits, the complainant is supposed to make the payment of the bills as raised by The Tata Power Co. Ltd.

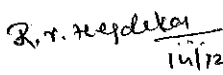
Order of the Forum is required to be complied within 15 days of the receipt. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005

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.


14/12/12
(Vrushal N. Pimple)
Member


14/12/2012
(Bhalchandra A. Naik)
Member


14/12/2012
(R V Hegdekar)
Chairperson

To:

1) M/s Beta Containers Company,
Plot No. 20, Mira Co-operative Industrial Estate Ltd,
Opp. Amar Palace, Swami Vivekanand Road,
National Highway No.8, Mira Road(E), 401107

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

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