

CONSUMER GRIEVANCE REDRESSAL FORUM

THE TATA POWER COMPANY LIMITED

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Ref.CGRF/TPC/2013/

Date: 25.04.2013

Case No.CG/3/2013

Date of Hearing: 08.04.2013

**In the matter of Mr. Jasmin M Doshi 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 27.02.2013 and this office letter No.CGRF/TPC/2013/17 dated 25.03.2013 wherein CGRF (TPC) granted a personal hearing to Mr. Jasmin M Doshi (Consumer No.2157253) and representatives of TPC Limited on 8th April 2013 at 14.30 Hrs.

Mr. Jasmin M Doshi (Consumer No.2157253) is having single phase power supply with tariff category LTI –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 the Complainant:

- 1) Mr. Jasmin M Doshi (Mobile 9833515750)
- 2) Ms. Chaitalee Doshi (Mobile 9820591970)
- 3) Ms. Ila Doshi (Mobile 9324377950)

On behalf of The Tata Power Company Limited:

- 1) Mr. Gaurav Gautam
- 2) Mr. V. B. Patil

Details of deliberations

Mr. Jasmin M Doshi, the complainant informed the Forum that Tata Power had issued the billing correction (vide supplementary bill No. 1180060616 dated 1.12.2012) of Rs 41,256/- for 6178 units consumed. There was cross connection between meter no. L0053830 and meter no. L0054788 during 14.9.2011 to 12.11.2012. The consumer had intimated vide letter dated 6.12.2012 that he had paid all the bills on time during 14.9.2011 to 12.11.2012 billing cycle as per the bills received by him from The Tata Power Company Ltd. He further added that the cross connection at site was due to error by executive from Tata Power

Company Ltd & there was no fault from him. Therefore the billed amount of Rs. 41,256/- for 6787 units billed (6178 consumed units) may be recovered from the concerned executive and that he will not pay the said billed amount. The letter dated 6.12.2012 was replied by Tata Power on 8.12.2012 that the supplementary bill for the said amount during the said period was issued based on the actual consumption recorded by the meter which was connected to his premise. The said letter was replied by him on 11.12.2012 & handed over to Kalina office of The Tata Power Company Limited intimating again that he will not pay the billed amount as already clarified by his letter dated 6.12.2012 as he was not at fault. In the meantime Tata Power had vide letter No. EJ/CNG-D1/2157253 dated 31.12.2012 had sent 15 days notice to pay the outstanding amount by 15.1.2013 to avoid disconnection on or after 16.1.2013. To this letter the complainant informed vide letter dated 2.1.2013 that he had already written complaint letter on 11.12.2012 which is acknowledged by Kalina office to which he has not received any revert from Tata Power. He learnt that the letter was misplaced by official of Kalina office. In the said letter dated 2.1.2013 he had reiterated that cross connection is an error from Tata Power official then why is the amount being recovered from him & being penalised & harassed for no fault of his. For him the bills which he has received earlier from Tata Power are genuine & which he has paid well before the due date. Thus Tata Power is now contradicting their own bill & informing that the old bills sent were wrong & he has to pay as per revised bill. He reiterated that he will not pay any amount on the said revised bill. He again informed that any communication sent should be sent between 9 am to 12 pm as already intimated vide his letter dated 11.12.2012. He wanted Tata Power to take action as to why his letter dated 11.12.2012 was not replied. The complainant sent the complaint application on 2.1.2013 to IGR Cell intimating that he will not pay Rs. 41,140/- as he had not received any reply from Tata Power to his letter dated 11.12.2012 & top of it had received letter threatening to discontinue the supply of electricity on or after 16.1.2013. IGR cell had replied on 13.2.2013 that consumer to pay the outstanding dues.

Dissatisfied with the reply of IGR cell, the complainant approached CGRF on 27.2.2013 wherein it had added that why the company is asking him to pay when the payment is already received by consumer of Flat No. 1. It was also informed in the CGRF application that there was short circuit in the building, an executive from Tata Power had visited for reconnection of electricity. He alleged that there is an error on Tata Power's part in connecting lines. During the hearing he also intimated that the supply was disconnected by Tata Power Company Ltd for about 5 minutes.

The Tata Power had sent a written reply to the Forum as well as to the complainant vide letter dated 15/03/2013. 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 JMR was carried out on 12/05/2011 and changeover was completed, continuing on the R Infra meter vide meter no. 6666806. The said process was carried out in the presence of Consumer representative. However, as the Consumer while applying for changeover had opted for Tata Power meter, Tata power as per their process of Meter replacement after JMR, along with R Infra representative, replaced the R Infra meter vide meter no. 6666806 with Tata Power meter vide meter no. L0054788 on 14/09/2011.
2. On 08/11/2011, one consumer named Mrs. Sunita Vinayak Pandit having Consumer no. 2158417 have a logged a complaint for excess bill for the month of October 2011. 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 our office. On analyzing the data, we didn't find any anomaly in the data.

3. Mrs. Sunita Vinayak Pandit is also a changeover consumer with JMR being done on same date that of Jasmine Doshi i.e. 12/05/2011, retaining R Infra meter. Alike Jasmine Doshi, Mrs. Sunita Vinayak Pandit, while applying for changeover had opted for Tata Power meter and hence Tata power as per their process of Meter replacement after JMR, along with R Infra representative replaced the R Infra meter vide meter no. 6733025 with Tata Power meter vide meter no. L0053830 on 14/09/2011.
4. Thereafter, on 30/05/2012 and on 03/07/2012, Mrs. Sunita Vinayak Pandit again made complaint for high registration for the month of April-12, May-12 and June-12 stating that even though there is no one at her home, still she is receiving exorbitant bills and also there is no additional appliance added. As the meter was already checked and data was analysed, we checked the readings in SAP with downloaded data from meter and same was found OK. A letter to that extent was sent to that consumer.
5. Being aggrieved with high and exorbitant bills, Mrs. Sunita Vinayak Pandit on 05/11/2012, applied for meter testing at Tata Power Laboratory. When the team visited the site on 07/11/2012 for removing the meter, it was found that though in the system, the meter no. L 0053830 is installed against Consumer no. 2158417 of Mrs. Sunita Vinayak Pandit but at site the said meter no. L 0053830 was connected against Consumer no. 2157253 of Jasmine M. Doshi and the consumption of Jasmine M. Doshi was being recorded in the said meter L 0053830. Similarly, it was found that in the system, the meter no. L 0054788 is installed against 2157253 of Jasmine M. Doshi but at site the said meter no. L 0054788 was connected against Consumer no. 2158417 of Mrs. Sunita Vinayak Pandit and the consumption of Mrs. Sunita Vinayak Pandit was being recorded in the said meter L 0054788.

Consumer name	Sunita Vinayak Pandit	Jasmin M Doshi
Flat no.	Flat1	Flat5
BP No.	2158417	2157253
Meter No. as per SAP	L0053830	L0054788
Meter found connected on Site	L0054788	L0053830

6. As Cross connection was found at site, lab testing of the said meter was not required and necessary correction/ regularization was required to be done. But as both the consumers were changeover consumers and said activity requires R Infra representative, the said correction/ regularization was scheduled on 12/11/12. On 12/11/12, the said cross connection was removed and necessary corrections were made.

Consumer name	Sunita Vinayak Pandit	Jasmin M Doshi
Flat no.	Flat1	Flat5
BP No.	2158417	2157253
Meter No. as per SAP	L0053830	L0054788
Meter No. after correction and regularization	L0053830	L0054788

7. Thereafter, we had also sent a letter to the Jasmine Doshi and Sunita Pandit informing them about the necessary billing correction along with Supplementary bill. Thus, after making all the corrections at site, a supplementary bill from 26/08/11 to 12/11/2012 for 6178 metered units for Rs. 41256 was raised against Jasmine Doshi. The consumer aggrieved with the said letter, replied with her letter dated 06/12/12, showing her

reluctance to make payment of such amount and stating that she had made payment of all the past bills on time and she is not liable to make payment of such amount for the fault on the part of officials of Tata Power. The letter dated 06/12/12 of the Consumer was replied by us through our letter dated 08/12/12, wherein it was informed to the Consumer that there was cross connection between the Consumer and Sunita Pandit's meter, which was thereafter rectified and hence the Consumer was required to make payment of Rs. 41256/-, which is after the adjustment of payment made to Tata Power by the Consumer. The Consumer again replied to the our letter dated 08/12/12 by her letter dated 11/12/12 reiterating all the contents mentioned in the earlier letter and requesting us to take action against the official of Tata Power, who has committed the fault of cross connection.

8. As the Consumer failed to make payment, on 31/12/12, the revenue recovery team of Tata Power issued notice of disconnection of power supply for the outstanding amount pending against the consumer. The said notice was replied by the Consumer and received at our office on 02/01/2013, wherein the consumer has asked us to refrain from carrying out disconnection and further added that as the consumer had already made payment for the bills raised to her, the consumer is not liable for making payment of such amount.
9. As the Consumer was not satisfied with the resolution provided by Tata Power Company, the Consumer filed a complaint before IGR Cell on 02/01/2013. 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 13/02/2012 to Consumer informing him the action taken to resolve his complaint. In the said reply, IGR cell informed the Consumer that Tata Power officials conducted site visit and during the visit it was found that cross connection was existing between meter no. L0054788 and L0053830 of Flat no. 5 and Flat no. 1 respectively. On 12th November 2012, both the meters were physically interchanged at site to rectify the cross connection in presence of both consumers. After rectification, the meter no. L0054788 is connected to flat No. 5 (Consumer no. 2157253) and Meter No. L0053830 is connected to flat No. 1 (Consumer no. 2158417). Tata Power has also carried out necessary billing correction and consumer no. 2157253 (i.e. Jasmine Doshi) has been billed for additional 6787 units as it was under billed during cross connection period. The IGR also came to conclusion that the current consumption pattern is similar to past consumption of the Consumer before changeover. The IGR also concluded that on analyzing the consumer's meter data, it was found that the Consumer had been billed as per actual consumption recorded by the meter. Also, the actual connected load at the Consumer premises was obtained from site, which matches with consumption pattern, which was also averred in IGR's reply.
10. Being aggrieved, the Consumer approached CGRF. In the complaint before CGRF, the Consumer had prayed for the same relief and same facts were mentioned.
11. We reiterate that the present case is a case of cross connection, which was confirmed, when the officials visited the site to remove the meter of Sunita Pandit, for carrying out testing of meter at the laboratory. Immediately action was taken to rectify the said fault and the meters of Jasmine Doshi and Sunita Pandit were interchanged and as the consumption were recorded interchangeably in each meter, we charged 6787 units for Jasmine Doshi, by way Supplementary bill and passed a credit of 6787 to Sunita Pandit. We also reiterate that the current consumption pattern of Jasmine Doshi, which is recorded in the Sunita Pandit's bill before rectification of cross connection is similar to past consumption of the Consumer before changeover, when Jasmine Doshi was R Infra consumer. The table below clarifies the same:

Overall Consumption of Jasmine Doshi							
R Infra Supply with R Infra meter		Tata Power Supply with Tata Power meter shown in Sunita Pandit's bill because of cross connection.		Tata Power Supply with R-Infra meter		Tata Power Supply with Tata Power meter after rectification	
		Sep-12	518				
		Aug-12	692				
		Jul-12	690				
		Jun-12	833				
		May-12	787				
		Apr-12	664				
Mar-11	427	Mar-12	303				
Feb-11	348	Feb-12	294			Feb-13	323
Jan-11	310	Jan-12	286			Jan-13	304
Dec-10	311	Dec-11	324			Dec-12	333
Nov-10	365	Nov-11	421				
Oct-10	494	Oct-11	426				
Sep-10	584	Sep-11	366				
Aug-10	411			Aug-11	359		
Jul-10	404			Jul-11	426		
Jun-10	451			Jun-11(44 days)	906		
May-10	839						
Apr-10	648						
Mar-10	364						

We confirm that we have taken necessary action against the employee and as well as against the contractor who were responsible for cross connection. The same is internal issue of the Company, which we are not bound to inform the Consumer. We reiterate that as the consumption of the consumer is recorded either in her meter or in the meter of Sunita Pandit at site, after rectification of said cross connection, the consumer is liable to make payment of the supplementary bill. Thus, this Consumer has 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:

It is true that there was indeed cross connection existing between meter no. L0054788 and L0053830 of consumer no. 2157253 and consumer no. 2158417. Root cause of the grievance is the cross connection. Had there not been cross connection there would not have been the subsequent grievance. The prime responsibility of the proper connection lies with the distribution licensee at the time of giving supply. It is surprising that the cross connection continued for a long period of more than 14 months and could not be noticed by the distribution licensee till the other aggrieved consumer complained about high billing. However utility is not entitled to seek access to the Applicant's premises, beyond the point of supply (the meter in this

case), as stipulated in Regulation 8.1 of the Electricity Supply code Regulations, 2005. On 12th November 2012, both the meters were physically interchanged at site in presence of both consumers. The consumer in CGRF application had mentioned about short circuit in the building; however he was not able to communicate the date of the event. From the consumption pattern it is evident that the cross connection has taken place at the time of replacement of meters on 14.09.2011 which is accounted for by Tata Power. After rectification, meter no. L0054788 is connected to flat no. 5(Consumer no. 2157253 and meter no. L0053830 is connected to flat no. 1(Consumer no. 2158417)

Tata Power had carried out billing correction and consumer no. 2157253 (i.e. Jasmin Doshi) had been supplementary billed for additional 6787 units for Rs 41256/-. It is also true that the consumer has consumed additional said units of 6787 units.

Order from Forum:

The Forum is of the opinion that, this is a case of cross connection due to human error and therefore The Tata Power Company Limited issued the supplementary bill demanding the amount towards the charges of electricity already supplied and consumed by the complainant. It is a normal practice that whenever any error or fault is detected in the system, then it is to be corrected immediately so that the system runs smoothly in transparent manner. It is obligatory for the complainant to make the payment of supplementary bill as raised by Tata Power Company Limited.

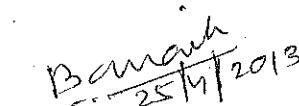
Orders of the Forum are required to be complied within 15 days of the receipt. The payment of the bills shall be as per the clause 15.5 of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005 vide notification dated 20th January 2005.

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

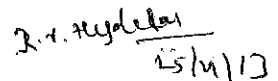
If Consumer is not satisfied with the decision of the Forum, he may make a representation to the Electricity Ombudsman in Schedule B form within sixty (60) days from the date of this order. Contact details of the Electricity Ombudsman appointed or designated by MERC under Regulation 10 is "Electricity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


25/4/13

(Vrushal N. Pimple)
Member


25/4/2013

(Bhaichandra A. Naik)
Member


25/4/13

(R V Hegdekar)
Chairperson

To

1) Mr. Jasmin M Doshi,
1/5, The Shefalee CHS Ltd, Phirozshah Road,
Near Station, Santacruz (W),
Mumbai 400 054.

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. Gautam Gaurav, Nodal Officer, Tata Power Co. Ltd., Mumbai