



MERC

ELECTRICITY OMBUDSMAN

BEFORE THE ELECTRICITY OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003)

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051
Tel. / Telefax: 022-2659 2965

REPRESENTATION NO. 19 OF 2006

In the matter of high assessed bills due to failure of CTPT unit.

M/s. Ahmednagar Polymers..... Appellant

V/s.

Superintending Engineer, M.S.E.D.C.L..... Respondent

Present:

1. Shri W.G. Gorde, Electricity Ombudsman
2. Shri S. N. Yadwad, Secretary

On behalf of the Appellant:

1. Shri Manoj J. Mody, Director
2. Shri P.D. Nagarkar, Electrical Consultant

On behalf of the Respondent:

1. Shri M.V. Vaydande, Ex.Engineer, MSEDCL
2. Shri S.R. Mande, Ex. Engineer, MSEDCL

ORDER

Date: 16th June, 2006

1. M/s. Ahmednagar Polymers (hereinafter referred to as the Appellant) is a high-tension consumer of electricity supplied by the Maharashtra State Electricity Distribution Co. Ltd. (hereinafter referred to as the Respondent). The Appellant has filed the representation on 9th May, 2006 against the order of the Consumer Grievance Redressal Forum, Nashik, issued on 11th August, 2005. The Appellant has stated its case as under:

2. The Appellant initially approached the Ahmednagar District Consumer Disputes Redressal Forum, which after long process and hearing rejected its case, on the ground that the Appellant is not covered under the definition of "consumer" under the Consumer Protection Act, 1986. Thereafter, it approached the Consumer Grievance Redressal Forum, Nashik which rejected its application due to lapse of more than 12 months from the occurrence of grievance. It kept mum thereafter thinking that there is no point in wasting money further by appealing, as the same reply is possible. But on learning of a decision in the case of M/s. Lunar Engineers, it is applying for consideration sympathetically.

3. The Appellant represents that excess bills were issued for July, 2003 to November, 2003 due to wrong assessment during the period of faulty metering equipment. After the meter reading was taken on 20th July, 2003, the metering equipment (PT) was observed to be faulty because KWH consumption (70406 units) was higher than the KVAH consumption (68791 units). The Respondent gave a wrong bill for 70406 units in August, 2003. Despite its complaints the Respondent sent a bill of 70406 units again in September, 2003 and hence it filed a complaint with the Electrical Inspector. The Electrical Inspector wrote a letter to the Respondent to correct the bills by taking average of six months prior to July 2003. The Respondent gave a credit of 21381 in September, 2004. Then it filed a grievance before the Consumer Grievance Redressal Forum, Nashik on 20th July, 2005 which was rejected as more than 12 months have lapsed.

4. Notice was issued to the Respondent on 12th May, 2006 to file its reply on the points raised in the Representation. The Respondent filed its reply on 3rd June, 2006. It states that B phase PT of the CTPT unit failed during August, 2003 and hence assessment bill on the basis of consumption recorded for July, 2003 was given for the months of August, 2003 and September, 2003. The PT was replaced on 27th September, 2003 but it failed again on 22nd October, 2003. Therefore, assessment bill was given on the basis of units recorded from 22nd September, 2003 to 22nd October, 2003. The PT was replaced on 22nd November, 2003. Thereafter, bills were issued as per recorded consumption.

5. As per the letter from the Electrical Inspector, the meter was tested in the laboratory of testing division on 1st April, 2004 and found that the meter records 35% less consumption in the absence of one PT. Hence, bills were revised in accordance with the result of the test report i.e. meter recording 35% less. Accordingly, credit was given to the Appellant based on the result of the test, in the bill of August, 2004 and intimated to the Appellant on 13th September, 2004. There is, therefore, no excess billing.

6. The matter was heard on 16th June, 2006. The Appellant reiterated the sequence of events that led to the Representation. It stated that it was not aware of newly set up Consumer Grievance Forum for electricity and hence there was delay in approaching the said Forum at Nashik. The Appellant claimed that it was also preoccupied with urgent work in some other unit and hence there was delay in filing the Representation. The Respondent raised the assessed bills on the basis of consumption recorded in July, 2003. But the consumption recorded in July, 2003 itself was incorrect because KWH units recorded were more than KVAH units which he says is unlikely. The Respondent revised the assessment bills subsequently on the basis of meter testing result which showed the meter slow by 35%. However, the Respondent did not inform it of the date for meter testing and no opportunity was given to it to remain present during the test. Therefore, it feels that the test results are doubtful. On query, the Appellant conceded that it was aware that the meter was removed for testing from its premises on 15th November, 2003 and the test results were informed to it by the Respondent vide its letter dated 13th September, 2004. The Appellant conceded that it has no evidence to doubt the correctness of the test and it has merely expressed its apprehension regarding the test now during the hearing and not before in the submissions to the Forum or Ombudsman.

7. The Respondent stated that the R phase voltage of the potential transformer was detected missing in the month of August, 2003 and hence the assessed bills were issued. However, the meter was tested in the laboratory subsequently and found that it records 35% less energy without R phase PT. The assessed bills issued earlier were revised accordingly and necessary credit was given in the bills and the consumer was informed. There is, therefore, no excess billing now. The representation filed by the Appellant is also time barred and therefore may be dismissed.

8. Documents on record and proceedings during the hearing clearly show that the Appellant intimated its grievance to the Respondent on 12th January, 2004. The Respondent redressed the grievance, and corrected the bills in accordance with the result of the test and informed the Appellant accordingly on 13th September, 2004. The Appellant filed its grievance before the Consumer Grievance Redressal Forum, Nashik on 20th July, 2005 i.e. after over nine months after this communication. The Consumer Grievance Redressal Forum rejected the grievance on 11th August, 2005 since it was not filed before 12 months from the date of intimation of the grievance to the Respondent as per Regulation 6.3 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003.

9. On receipt of the order from the Forum in August, 2005, the Appellant submitted its representation before the Ombudsman on 9th May, 2006 i.e. after a lapse of 9 months from the date of order of the Forum without giving any reason for the delay. Moreover, there is no application for condonation of the delay. Regulation 16.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 and Regulation 17.2 of (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 require that the consumer must file the representation within 60 days from the date of the Order from the Forum. In the present case, there is an inordinate delay of 211 days and that too without any application for condonation or any explanation for the delay. It is also observed that the Appellant had also not filed its grievance before the Forum in time. Therefore, there appears absolutely no ground for condonation of the delay by invoking the provision under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006. The Representation is, therefore clearly non maintainable in terms of this provision.

10. The Representation is rejected for the reasons as elaborated in the preceding paragraphs.

Sd/
(W. G. Gorde)
Electricity Ombudsman

Sd/
(S. N. Yadwad)
Secretary