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**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM**  
**B.E.S. & T. UNDERTAKING**

(Constituted under section 42(5) of Electricity Act 2003)

Ground Floor, Multistoried Annex Building,  
BEST's Colaba Depot  
Colaba, Mumbai – 400 001

Telephone No. 22853561

**Representation No. N-G(S)-62-09 dt . 13/01/2009**

Manoway Investments Pvt. Ltd., .....Complainant

V/S

B.E.S. & T. Undertaking .....Respondent

**Present**

Quorum

1. Shri. M.P. Bhave, Chairman
2. Shri. S. P. Goswami, Member
3. Smt. Vanmala Manjure, Member

On behalf of the Complainant 1. Shri. Sanjay Desai

On behalf of the Respondent

1. Shri. N.H.S. Hussain, A.O.
2. Shri. M.N. Nagare, A.E. (G/S)
3. Shri S.V. Chabria, O.A.

Date of Hearing: 03/03/2009

**Judgment by Shri. M.P. Bhave, Chairman**

Shri. Manoway Invests Pvt. Ltd, Worli, Mumbai – 400 018 has come before this Forum for his grievance regarding inflated bill of Rs.6,617/- in the month June, 2008 for bill period 6/5/2008 to 6/6/2008.

### **Brief history of the case**

- 1.0 The meter no. L 841328 was in the name of complainant M/s. Manoway Investment Pvt. Ltd under A/C No. 545-188-065 installed in the year 1984.
- 2.0 He has been receiving the average electricity bill of Rs.580/- per month. However, in the month of June 2008, he has received a bill of Rs.6617 for the consumption of 997 units, which is exorbitant as per complainant.
- 3.0 Complainant has orally complained to BEST about exorbitant bill on 8/7/2008. Accordingly on 18/8/2008, BEST checked the meter on site in presence of complainant's representative Mr. Kadam, by one lamp test, wherein the meter was found sticky.
- 4.0 Complainant approached the IGR Cell of BEST on 4/11/2008.
- 5.0 On 26/11/2008 meter no. L841328 was replaced by new meter no N067141. Meter no. L841328 was tested in the BEST laboratory and was found with in permissible limits of accuracy.
- 6.0 Vide letter dtd. 2/1/2009 IGR Cell of BEST has informed to the complainant that his consumption pattern is inconsistent & as per laboratory testing the accuracy of meter is within permissible limits.
- 7.0 Unsatisfied by the reply given by IGR Cell of BEST the complainant approached CGR Forum in schedule 'A' on 13/01/2009.

### **Consumer in his application and during Hearing stated the following**

- 1.0 Complainant said that his average monthly consumption of electricity is Rs.580/-. He said that he had received inflated bill for Rs.6617/- in the month June 2008 for the period from 06/05/2008 to 06/06/2008. His flat was closed during the disputed period. All the electric connections were switched off by the flat owner. Nobody was staying in flat during the disputed bill period.
- 2.0 As per letter No.DECC(GS)AOGS/Annex09/03/2008 dated 2<sup>nd</sup> Jan.2009 issued by Divisional Engineer Customer Care (G/S) the meter was found sticky during disputed period. Therefore he received very high bill.
- 3.0 He has attached the certificate in original issued by the Turf View Co-operative Housing Society Ltd in which it is mentioned that complainant's premises were closed in the month of May-June 2008. Also, the complainant has enclosed the original Railway Reservation Tickets of his servants employed at his residence. These documents should be treated as authentic proof that the flat was vacant during the disputed period. Security persons of the society have also confirm that the lights and main switch were off during the disputed period.

- 4.0 Complainant states that he is regularly paying the Electricity Charges in time. There is no out-standing for his flat.
- 5.0 if meter is sticky reading should be on lower side. However he has received bill on higher side. His maximum usage of electricity except for the disputed period never exceeded 250 units per month. His usage of electricity not constant as most of the time only the servants maintaining the flat are present.
- 6.0 Laboratory testing of disputed meter was carried out in his absence and hence results of the same are not binding on him. As the meter was found sticky during site testing same should be treated as defective.
- 7.0 Papers presented by the Respondent during hearing regarding inter connection of 4<sup>th</sup> floor and 5<sup>th</sup> floor flat should not be considered while deciding the case as he was not given time to reply those papers.
- 8.0 He prayed during the hearing that his entire electricity bill for the disputed period be waived.

**BEST in its written statement and during Hearing stated the following:**

1. The respondent states that from the consumption pattern, it is evident that the usage of electricity is inconsistent every month.

The consumption pattern of the meter for 9 months is as given below:-

Date	Reading	Units billed	Remark
02/04/2008	22029	149	-
02/05/2008	22127	98	-
04/06/2008	23124	997	-
03/07/2008	23355	231	-
01/08/2008	23385	030	-
01/09/2008	23392	007	-
01/10/2008	23415	023	-
04/11/2008	23433	018	-
26/11/2008	23662	229	Final reading at the time of meter removal.

2. The meter No. L 841328 was replaced by a new meter No. N 067141 on 26/11/2008 and after replacement, it was tested in our laboratory on 03/12/2008. The complainant was informed accordingly and copy of test report was forwarded to the complainant on 02/01/2009. According to the test report the meter was found to be working within the permissible accuracy limit i.e. -2.01% slow.
3. He has submitted letter from Secretary of Turf view Co-op. Hsg Soc. Ltd. in which it is mentioned that during the month May-June 2008 the complainant's premises were closed. He has also submitted copy of

to and fro Journey-cum Reservation Ticket dated 11/05/2008 and 12/6/2008 for two male persons.

4. In this connection, we have to state that the letter from Secretary of Turf View Co-op.Hsg Soc. Ltd. and journey-cum-reservation ticket submitted by the complainant are not the authentic proofs in respect of 2 specific persons were only using the electricity at the concerned flat and this can not be considered for deciding the consumption of electrical energy as per MERC Regulations.
5. Even though, the complainant is mentioning that during the high bill disputed period i.e. from 05/05/2008 to 04/06/2008, no one was occupying the flat, his contention does not tally with the readings recorded by the meter. Also, from the initial testing and subsequent laboratory testing of the meter, it was established that the meter was working within the permissible limits of accuracy. Moreover, from the uneven consumption pattern, the regular usage of supply by the complainant can not be ascertained.
6. From the above, it is apparent that readings recorded by the meter is correct and the bill preferred to the complainant is payable by him and the contention of the complainant that the bill should be charged as minimum basis can not be acceded to.
7. As per inspection carried out on 31.01.09 to verify the purpose of supply and connected load and information given by the Complainant's representative, residence of the Complaint is a Duplex flat. One flat is at 4<sup>th</sup> floor and another at 5<sup>th</sup> floor of the same building having one entrance from 4<sup>th</sup> floor. Thus it is an inter connected case.

### **Observations**

1. AS per past consumption pattern of the Complainant for the period April 2008 to November 2008 except for June 2008 the maximum consumption recorded was 231 units per month. However in the disputed period i.e. May 2008 to June 2008 the consumption recorded by the meter was 997 units.
2. On one lamp test meter was found sticky. The old meter L841328 was replaced by new meter N067141. The old meter was tested in laboratory in absence of consumer's representative and was not found within permissible limits of error. Notice was not served to the complainant while replacing the meter as well as at the time of testing of the meter.
3. The papers produced by the Respondent during the Hearing regarding inter connection of consumer's flats can not be taken on record as the same are not produced in advance.
4. In view of the above observations, it will not be proper to treat the units recorded by the meter during the disputed period as correct and hence needs amendment.

**ORDER**

1. The BEST is directed to amend the complainant's electricity bill dated 4/6/2008 based on the average consumption of previous six months.
2. Copies be given to both the parties.

(Shri. M. P. Bhave)  
Chairman

(Shri. S. P. Goswami)  
Member

(Smt. Vanmala Manjure)  
Member