

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(N)-139-2012 dt . 01/03/2012

Mrs. Jyoti T. RatnaniComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum :
1. Shri R U Ingule, Chairman
2. Shri S P Goswami, Member
3. Smt Varsha V Raut, Member

On behalf of the Complainant : Shri J. B. Mackdani

On behalf of the Respondent : 1. Shri S. A. Tawade, Dy. Engg.
2. Shri S. D. Dhond, OA CC G/N

Date of Hearing : 28/03/2012

Date of Order : 25.04.2012

Judgment by Shri. R.U. Ingule, Chairman

Mrs. Jyoti T. Ratnani, Flat No. 2, 2nd floor, Garden Colony, 'B' Block, 534, M.M. Chotani Rd., Mahim, Mumbai - 400 016 has come before the Forum for her grievances regarding excess billing and refund of balance amount pertaining to A/c no. 639-693-043*4.

Complainant has submitted in brief as under:

- 1.0 The complainant has approached to IGR Cell on 02/12/2011 regarding her grievance of high bill of a/c no. 639-693-043*4. The complainant has approached to CGRF in schedule 'A' on 28/02/2012 as no remedy is provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to refund the amount against excess billing.

**Respondent, BEST Undertaking in its written statement
in brief submitted as under:**

- 2.0 The meter no. 0822815 was tested on accucheck on 25/10/2010 and the same was found running 3.75% fast. The meter no. 0822815 was replaced by meter no. H096557 on 04/11/2010. The necessary credit of Rs. 1,106.30 was given in the bill for June 2011. It may be mentioned here that accuracy of the meter up to +/- 3% is permissible as per Electricity Act, 2003. In spite of this while calculating refund of excess billing amount, entire 3.75% was considered for refund. The above credit amount also includes the slab benefit for the combined billing of 837 units for the period from 12/10/2010 to 13/12/2010.
- 3.0 On scrutiny of the consumption pattern of the year 2009, 2010 and 2011 it is observed that, the consumption during the months July, August & October is quite increased than the consumption in other months during the year respectively.
- 4.0 Complainant has mentioned in her letter that the connected appliances are Washing machine, Refrigerator, AC, Oven, Water heater, Fan, Lights, TV. However, on 25/10/2010 when meter no. 0822815 was tested, the connected load at the premises was confirmed as T/L 5, Fan 4, TV 2, Refrigerator, Geyser, AC, Mini T/L 2, M. Oven, Computer.

- 5.0 Taking into consideration the above said appliances installed at complainant's premises, it is not possible that electricity bill should be Rs. 300/- p.m. Complainant had mentioned in her letter that her son/daughters come to stay for a month. They might be staying for two-three months and during the said period the consumption of electricity at complainant's premises is increasing.
- 6.0 In view of above electric charges charged in July 2010, Aug., 2010 & Oct., 2010 are in order and complainant's request to refund the excess amount of Rs. 13,894/- paid to the BEST Undertaking should not be accepted.

REASONS:

- 7.0 Heard representative Shri J. B. Mackdani for the complainant and Shri S. A. Tawade, Dy. Engg. and Shri S. D. Dhond, OA CC G/N for the respondent BEST Undertaking.
- 8.0 At the outset, we find a very fair and legal approach being taken by the respondent BEST Undertaking, in redressing the grievance raised by the complainant. Obviously, therefore, the complainant filed before this forum, does not hold any merit.
- 9.0 An illfounded contentions have been raised by the complainant, that she has been staying alone in the premises and her son and daughters are staying away from Mumbai and occasionally visiting her. Despite having an air-condition the complainant has not been using the same, the micro-oven possessed by the complainant has also been used occasionally. The complainant has been using washing machine rarely. She has not been using water heater. The complainant uses light only in the room, where she sits. Complainant uses fan only in summer, etc. Therefore, her monthly bill should be around Rs. 300 per month, and not more than that.
- 10.0 Complainant further contends that the meter was fast and on checking the meter, the respondent BEST Undertaking has given a credit of Rs. 1106.30. The same ought to have been Rs. 15000/-, being excess payment made by her. The complainant should have been given a credit on the basis of average consumption, after the faulty meter was replaced. Therefore, she prayed for relief to refund the balance amount of Rs. 13894/-, towards excess billing.

- 11.0 This forum on perusing documents, finds that the meter was checked on 25/10/2010 to find the same being running fast by 3.75%. Therefore, the complainant's said defective meter no. 0822815 was replaced by another meter no. H096557 on 4/11/2010. As the respondent find the meter being fast by 3.75%, the complainant was given the legitimate credit of Rs. 1106.30 in her bill for the month of June 2011. The respondent contends that the complainant has been using washing machine, refrigerator, air conditioner, micro-oven, water-heater, fan, lights and T. V. and therefore, she has been properly charged for the electricity consumed by her and accordingly recorded by the meter provided to her.
- 12.0 We find that, admittantly the meter was checked on 25/10/2010 to find the same being fast by 3.75%. In this context, a provision has been provided in respect of such **defective meters** under Regulation No. 15.4.1 provided under MERC (Electricity Supply Code and other Conditions of Supply) Regulations, 2005. This forum observe at this juncture that these Regulations are statutory in nature. Therefore, we proceed to find whether the respondent has proceeded to take an appropriate action as provided under said Regulations 15.4.1.
- 13.0 We observe that the Regulation No. 15.4.1 *inter alia* provides that in case of **defective meter** the amount of consumer's bill require to be adjusted, for maximum period of 3 months prior to the month in which the dispute has arisen, in accordance with the result of the test taken. It is therefore, crystal clear that on finding the meter being defective i.e. fast by 3.75%, the complainant was entitled to get adjusted her bill for maximum period of 3 months prior to the month in which dispute has arisen.
- 14.0 In this context, we observe that the respondent BEST Undertaking in compliance to Regulation 15.4.1 has not only adjusted the complainants bill for 3 months prior to the month in which dispute has arisen, but proceeded to adjust the bill for 1 more month, as there was delay of a month in providing an accurate meter to the complainant. We thus, find the complainant's electricity consumption bill being adjusted for total 4 months and as such the same being in accordance with the statutory provision provided under the Regulation 15.4.1. We thus, find no error and lapses to any extent on the part of the respondent BEST Undertaking in working out the amount of the credit, to be given to the complainant by virtue of her meter being found to be defective.

- 15.0 We further observe that, site testing report dtd. 25/10/2010 signed by the Dy. Engineer of the respondent BEST Undertaking, placed before this forum, manifest that the complainant has been having 5 tube lights, 4 fans, 2 T.V., 1 Fridge, 1 Geezer, 1 A.C. 2 mini Tube Lights, 1 Micro-Oven and 1 Computer.
- 16.0 The respondent has also placed before this forum the consumption of electricity by the complainant during the period from 20/2/2007 to 18/10/2010. The respondent has also placed on file the electricity consumption after installation of the new meter no. H096557 during the period from 16/12/2010 to 16/12/2011. On perusing these documents, we did not find any merit in the claim made by the complainant that her average monthly bill ought to be around Rs. 300/- per month and on finding the meter being defective instead of Rs. 1106.30 the respondent ought to have credit amount of Rs. 15000/- to her. To sum up, we find the said claim made by the complainant being ill-founded and unsustainable.
- 17.0 In the aforesaid observations and discussion, we find the instant complainant, liable to be rejected and accordingly we do so.

ORDER

1. Complaint no. N-G(N)-139-2012 dt . 01/03/2012 stand dismissed.
2. Copies be given to both the parties.

(Smt Varsha V Raut)
Member

(Shri S P Goswami)
Member

(Shri R U Ingule)
Chairman