

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-E-186-2013 dtd. 13/02/2013

Mr. Khalid GhojariaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member
2. Shri S M Mohite, Member

On behalf of the Complainant : 1. Shri Khalid Ghojaria
2. Shri Sakib Khan

On behalf of the Respondent 1. Shri M. R. Dharaskar, DECC(E)
2. Shri M. G. Mhatre, AAM, IGRC(E)
3. Shri Mrs. P. S. Kirtikar, AG. ALA

Date of Hearing : 14/3/2013

Date of Order : 12/4/2013

Judgment by Shri. R.U. Ingule, Chairman

Mr. Khalid Ghojaria, Ground floor, Room no. 93, Arab Stable, Morland Road, Mumbai - 400 018 has come before the Forum for grievance regarding wrong billing of Rs. 6,49,204.00 pertaining to A/c no. 546-270-117.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 08/07/2011 for grievance regarding wrong billing of Rs. 6,49,204.00 pertaining to A/c no. 546-270-117. The complainant has approached to CGRF in schedule 'A' dtd. 11/02/2013 as he is not satisfied with the remedy provided by the Distribution Licensee regarding his grievance. The complainant has requested the Forum to cancel the wrong bill of Rs. 6,49,204/- which was issued by BEST after necessary correction.

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

2.0 As per our computerized record available, Shri Khalid Ghojaria was our registered consumer having Meter No.N064213 was installed on 14/09/2006 under A/c No.546-270-117 residing at above address.

3.0 After the installation, consumer was first billed for the units of 2115 for six months from September 2006 to February 2007. In that case, his wrong bill was corrected from the date of installation to 01/02/2008 i.e. February 2008 upto correct reading brought by our reader 001363. Again, meter read properly upto 02/07/2008. Defective memo was initiated on 03/11/2008 and site investigation was carried out on 05/11/2008 reported that incoming and outgoing wire found removed. Hence meter not showing reading. Meter kept idle. Again investigation was carried out on 25/11/2008 No display, meter kept idle, seal OK. The meter was removed on 28/08/2009 for non-payment of electricity bill of Rs.58,679.98. Therefore, meter was not tested, after removal of meter.

4.0 Shri Gojaria has applied for Right to Information on 08/07/2011. He demanded all the relevant documents. He applied under Annexure-C on 05/07/2011 and disputed the wrong bill of February 2007 for 2115 units 2063 units billed for April 2007 and 54462 units for February 2010.

5.0 The bill was corrected and slab benefit for accumulated bill was given to 08/02/2008. From the date of installation and 54462 units billed on February 2010 were also corrected by giving slab benefit. The waiver of Delayed payment charges Rs.11,948.56 and interest of Rs.3,02,221.23 effected in January 2013 electricity bill.

6.0 We have already corrected the wrong bill up to the removal meter date i.e. 28/08/2009 and waived Delayed Payment Charges and interest in the month of January 2013. The net bill for the electric energy used by consumer during the period of 35 months from 14/09/2006 to 28/08/2009 was revised from Rs.9,57,030/- to Rs.6,49,204/-. After confirmation of correct final reading of Meter No.N064213 from Meter Department on 22/02/2013. The correct bill of consumer Rs.84,301.60 for the consumption of 5841.5 units has been issued. The consumer has not made any payment during the last 35 months towards the electricity energy charges from the date of installation till removal of meter.

REASONS

1.0 This forum has heard Shri Sakib Khan for the complainant and for Respondent BEST Undertaking Shri M. B. Dharaskar, DECC(E) with Smt. P. S. Kirtikan, Ag. ALA.

- 2.0 The complainant by filing the instant complaint has raised a grievance that in the months of February 2010, the respondent BEST Undertaking had forwarded an electricity bill for 54462 units, when his meter was removed in the month of August, 2009. On raising a grievance with the concerned officials, the necessary corrections were carried out and the electricity charges were reduced to Rs. 6,49,204. The same was informed to the complainant by giving the details of waivable DP charges of Rs. 11,948.56 and waivable interest of Rs. 3,02,221.23 showing the same in the electricity bill for the month of January, 2013. The complainant therefore vehemently submitted that when the meter provided to him was idle for the certain period, in that contingency such meter cannot record a huge consumption of unit of 54462. Therefore, prayed for correction of the electricity bill served on him.
- 3.0 This forum observes that during the pendency of this complaint, the respondent BEST Undertaking has proceeded to correct the error occurred in serving the electricity bill on the complainant, for the consumption of 54462 units. In this context, the respondent BEST Undertaking has *inter-alia* submitted that the consumption of actual units by the complainant has been 5841.5 units after confirming the final reading from the Meters department and not 54462 units. The respondent BEST Undertaking therefore, worked out the correct electricity charges payable by the complainant being \Rs. 84,301.60.
- 4.0 This forum thus observes that, the respondent BEST Undertaking has already corrected the laps and error on its part by reducing the electricity charges from Rs. 6,49,204 to Rs. 84,301.60 for the consumption of 5841.5 units. However, during the hearing of the instant complaint, the representative Shri Sakib Khan for the complainant has vehemently urged that as per the meter reading folio placed on file by the respondent itself as Exhibit-13/C, the meter was `idle' during a period from 4/3/2009 till the date of removal of the meter, viz. 28/8/2009. Therefore, when the meter was idle, it would not record even the consumption of 5841.5 units. Therefore, the net electricity charges of Rs. 84,301.60 worked out by the respondent, has not been proper and correct.
- 5.0 This forum on perusing the documentary evidence placed before us, do not find any merit in the said contention raised on behalf of the complainant. This forum on perusing the meter reading folio at Exhibit-13/C and 15/C, finds that there has been a consumption of 437 units during a period from 2/6/2008 to 2/7/2008 i.e. for 1 month and an average consumption of about 300 units per month during a period from 1/2/2008 to 2/7/2008. Accordingly, during the hearing the representative of the complainant has agreed to such consumption on the part of the complainant.
- 6.0 Now, we proceed to consider the period wherein the meter was idle. In this connexion, we observe that the meter has been idle as per the Exhibit-13/C and 15/C, during a period from 4/3/2009 till the date of removal of meter i.e. 28/8/2009. This forum finds a merit in the contention raised by the complainant that, as the meter was idle, the complainant cannot said to have consumed any electricity during this period. This forum however, finds that prior to 4/3/2009 till 1/8/2008, the meter reading folio at Exhibit 13/C mentions the remark of `no display'. At this juncture this Forum observes that as submitted by Respondent, said meter was supplying electricity but was not displaying consumption of units. The period wherein the meter was `display defective', has been of 8 months, thereafter the meter was idle.
- 7.0 This forum further finds that, when the said meter was removed on 20/8/2009 on account of non-payment of electricity charges by the complainant, the meter department of the respondent has retrieved the last reading recorded by said meter from its memory and the same was 5866.5 kWh. Accordingly, we find a department letter dated 22/2/2013

exchanged between the Customer Care department and the Meter department of the respondent placed before this forum at Exhibit-13/C. We thus, find that, albeit the meter was `idle' during a period from 4/3/2009, to 28/9/2009 prior to it during the period when it was not displaying any meter consumption, the same was in operation providing the electricity to the complainant and accordingly the said consumption was recorded and stored by the meter in its 'memory' and the same was retrieved later on as observed above, by the concerned department of the respondent, being 5866.5 and accordingly informed to the Customer Care department vide Exhibit 31/C.

- 8.0 This forum thus observes that, taking into consideration an average of unit of about 300 per month, there is a merit in the contention raised by the respondent BEST Undertaking that the last reading recorded by the said meter viz 5866.5 retrieved from its 'memory' squarely establishes that the total consumption of electricity by the complainant has been 5841.5 units for the period of 35 months i.e. from 14/9/2006 to 28/8/2009. Therefore, the complainant has been accordingly rightly charged by the respondent BEST Undertaking for an amount of Rs. 84,301.60.
- 9.0 At this juncture, this forum observes that, the complainant has not paid any amount during the said period of 35 months. Besides it, significant to observe that the respondent has already waived delayed payment charges of Rs. 11948.56 and the interest charges of Rs. 3,02,221.23 while demanding electricity charges of Rs. 6,49,204, which has been further reduced to the aforesaid amount of Rs. 84,301.60. We thus, find that, despite, the complainant has not paid any electricity charges in the past, the respondent BEST Undertaking has already taken a lenient view towards the complainant in demanding the net electricity charges from the complainant.
- 10.0 In the aforesaid observation and discussion, the complaint should partly succeed. Accordingly, we proceed to pass the following order.

ORDER

- 1.0 The complaint no. N-E-186-2013 stands partly allowed.
- 2.0 This forum holds that the complainant is liable to pay the electricity charges of Rs. 84,301.60. Accordingly, the respondent BEST Undertaking has been directed to issue a fresh electricity bill to the complainant within a period of 15 days from this date. The complainant is directed to pay the said electricity charges within a period of one month from the date of receipt of said fresh electricity bill.
- 3.0 The respondent has been directed to report the compliance of this order within a period of one month there from.
- 4.0 Copies be given to both the parties.

(Shri S. M. Mohite)
Member

(Shri M. P. Thakkar)
Member

(Shri R. U. Ingule)
Chairman