

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-207-2013 dtd. 29/08/2013

Shri Mohd. Hanif Mohd. ZahoorComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Quorum : Chairman
Shri R U Ingule, Chairman

Member
1. Shri M P Thakkar, Member

On behalf of the Complainant : 1. Shri Davinder Singh Sudan

On behalf of the Respondent : 1. Shri M.R. Dharaskar, DECC(E)
2. Smt. P. D. Kalan, Ag. AMM

Date of Hearing : 17/10/2013

Date of Order : 24/10/2013

Judgment by Shri. R.U. Ingule, Chairman

Shri Mohd. Hanif Mohd. Zahoor, Room No. 7, Gr. Flr., Bldg. no. 89, Shirin Bai Chawl, Madanpura, Mumbai Central, Mumbai - 400 015 has come before the Forum for high bill pertaining to A/c 546-294-113*2.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 27/05/2013 for grievance regarding high bill pertaining to A/c 546-294-113*2. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 27/08/2012) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance. The complainant has requested the Forum to waive the unexpectedly imposed huge amount of bill.

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

- 2.0 The complainant was having electric supply through meter no. M082088, a/c 546-294-113. This meter had developed 'No display' fault in the month of April, 2012. The Electricity bills were sent to the complainant regularly on the basis of estimated reading calculated by the system. This meter was replaced by meter no. M116305 on 29/11/2012. In the month of November 2012, the system has considered the final meter reading of the meter M082088 as 48863 instead of 57185 as per KLG system.
- 3.0 At the time of testing of meter no. M082088 in laboratory on 12/12/2012, it was found that meter's accuracy test and dial test could not be conducted as there was no display, no pulse output and no communication. The Undertaking had inadvertently informed to the complainant vide letter dtd. 17/07/2013 that the meter no. M082088 found OK on accuracy test.
- 4.0 The meter no. M0116305 was also replaced by meter no. M118853 on 20/04/2013 for the reason of suspected tampering as meter was showing low consumption. This meter found correct in accuracy and dial case in Undertaking's lab on 14/04/2013.
- 5.0 Net Credit of Rs. 98,629.95 was given in the month of December 2012 by Vidushi System for 8322 estimated units charged during the period from 30/05/2012 to 30/10/2012. The same is reflected in billing month December 2012 and the bill of Rs. 516 was sent to the complainant.
- 6.0 The same credit is reverted by the system in billing month January 2013 as the system has considered final meter reading of the old meter i.e. M082088 as 48863 instead of 57185 (reading of billing month November 2012). The net bill in the month of January 2013 was Rs. 1,16,155.00. This amount was payable by the complainant.

REASONS

- 7.0 We have heard Shri Davinder Singh Sudan for the complainant consumer and Shri M.R. Dharaskar (DECC(E)) along with Smt. P.D. Kalan (Ag. AMM). Perused papers placed on file before us.
- 8.0 The representative Shri Davinder Sudan for the complainant consumer has vehemently raised a contention before this Forum that he was provided with the meter no. M 082088 which was found by the Respondent BEST Undertaking being developed "non display defect" and therefore they changed the same with a new meter no. M 116305

on 29/11/2012. To the surprise of the complainant consumer, the said meter no. M 116305 later on also replaced with a meter no. M 118853 on 28/04/2013 for the reason of 'suspected tampering' as the meter was showing low consumption.

- 9.0 Shri Davinder Singh Sudan for the complainant pointed out that no test report of any of the meter has been provided to the complainant. However, in the month of December 2012, the complainant consumer was served with a electric bill of Rs. 516.00 and suddenly in the next month he was served with electric bill for Rs. 1,16,155. Thus the Forum observes that the complainant has assailed the electricity bill served on him being grossly incorrect and requested this Forum to direct the Respondent BEST Undertaking to serve on him a fresh correct bill waiving the DP charges and interest charges on it along with granting compensation.
- 10.0 This Forum, on perusing the document placed on file is of the view that the meter no. M 082088 provided to the complainant consumer was stopped one from the month of April 2012 as shown in consumption history report placed on file at Exhibit 15/C. It is significant to note that the report prepared by the Meter Testing Section placed on file at pg. 19/C manifests that a remark has been passed thereon that no accuracy test and dial test could be carried out for the meter no. M 082088 due to no display, no pulse output and no communication.
- 11.0 The Respondent BEST Undertaking later on has placed on file a copy of email sent by the manufacturer of the meter (M 080288) narrating that in its service centre they found the memory devise of the said meter being damaged and therefore no data could be recovered from the said meter. This Forum therefore holds that as envisaged under regulation 15.4.1 provided under MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005, this meter needs to be treated as a stopped one and not defective as contended by the Respondent BEST Undertaking.
- 12.0 To elaborate on this aspect, this Forum observes that admittedly the meter no. M 082088 was having its memory device damaged and could not record any data, therefore explicitly it was totally non functioning one. We therefore failed to understand as to how the Respondent BEST Undertaking proceeded to consider such meter being defective and further proceeded to adjust the bill of the complainant consumer accordingly. We find that in a bare perusal of regulation 15.4.1, one would find that a different and distinct statutory procedure has been laid down to adjust the bill of the consumer for a maximum period of three months in case of defective meter and stopped meter. In this regard for defective meter, the consumer's bill needs to be adjusted for maximum period of three months prior to the month in which the dispute has arisen in accordance with the result of the test taken subject to furnishing the test report of the meter along with assessed bill to the consumer.
- 13.0 From the record placed on file we find that, before the Respondent BEST Undertaking no result of any test was available in order to adjust the bill of the complainant consumer for a maximum period of three months holding the meter no. M 082088 being defective. To reiterate, on the contrary its Meter Testing Section report at pg. 19/C manifests that no accuracy test could be carried out due to no display, no pulse output and no communication. Thus this Forum finds that despite such report was speaking a volume, committing a grave error the Respondent BEST Undertaking proceeded to consider the meter no. M 082088 being defective, giving a blind eye to the aforesaid statutory provision.

- 14.0 On the other hand this Forum finds that as observed above the meter no. M 082088 removed by the Respondent BEST Undertaking on 29/11/2012, as per their Meter Testing Section and the email received from the manufacturer, it had stopped recording any data and as such it was entirely non functioning one and therefore it was obviously a stopped meter. Complainant consumer's bill therefore ought to have been adjusted for maximum period of three months during the period wherein the said meter was stopped recording any consumption of electricity, that too based on the average meter consumption for twelve months immediately preceding three months prior to the month for which the billing is contemplated. Such precise procedure has been laid down in respect of the stopped meter in the second proviso provided under regulation 15.4.1. However, to the surprise of this Forum ignoring such mandatory statutory procedure, the Respondent BEST Undertaking has adopted a procedure laid down for a 'defective meter' and thereby committed an error in law while billing the complainant consumer.
- 15.0 This Forum thus finds from the written submission placed before us by the Respondent BEST Undertaking that a wrong procedure has been adopted while working out the electricity charges payable by the complainant consumer in regard to meter no. M 082088 . The subsequent meters provided to the complainant consumer have been found to be accurate one during the test carried out by it and the same has not been disputed by the complainant consumer. This Forum refrained from going in detail in the procedure adopted by the Respondent BEST Undertaking while working out the electricity bill payable by the complainant consumer as the same has been grossly erroneous and illegal one as observed above and therefore such exercise would simply burden this order.
- 16.0 In the aforesaid observation and discussion, this Forum proceeds to hold that it is incumbent on the Respondent BEST Undertaking to hold the meter no. M 082088 being a stopped meter and the complainant consumer needs to be billed for the period during which the said meter has stopped recording the consumption of electricity up to a maximum period of three months based on the average meter consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.
- 17.0 This Forum however, hasten to add at this juncture that as there is a serious lapse and error on the part of the Respondent BEST Undertaking, therefore in the interest of justice we find a warrant to waive the DP charges and interest charges on the electricity bill to be served on the complainant consumer.
- 18.0 In the net result we find the complaint being liable to be allowed. Accordingly we do so.

ORDER

1. The complaint no. N-E-207-2013 stands allowed.
2. The Respondent BEST Undertaking has been directed to treat the meter no. M 082088 being a stopped meter. The Respondent BEST Undertaking further directed to bill the complainant consumer for the period in which the said meter has stopped recording electric consumption, for a maximum period of three months, based on the average meter consumption for twelve months immediately preceding the three months prior

to the month in which the billing is contemplated, as envisaged under second proviso provided under Regulation 15.4.1.

3. The Respondent BEST Undertaking further directed to prepare such electricity bill and serve the same on the complainant consumer within a period of one month from the date of receipt of this order, allowing the complainant to pay such electricity bill within a period one month.
4. The Respondent BEST Undertaking directed to waive the DP and interest charges on the electricity bill from the period when the meter no. M 082088 stopped recording the consumption till the date of payment of electricity bill by the complainant as directed above.
5. Copies be given to both the parties.

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman