

		Date	Month	Year
1	Date of Receipt	26	02	2020
2	Date of Registration	28	02	2020
3	Decided on	05	11	2020
4	Duration of proceeding	252 days		
5	Delay, if any.	192 days		

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. 22799528

Grievance No N-FS-407-2020 dtd. 28/02/2020

Shri Narayan R. KadamComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Coram : Shri S.A. Quazi, Chairman

Members

1. Shri R.B. Patil, Member
2. Dr. M.S. Kamath, Member CPO

On behalf of the Respondent (1) : 1. Shri B.K. Shelke

On behalf of the Complainant : 1. Shri Pramod Kadam

Date of Hearing : 03/11/2020

Date of Order : 05/11/2020

Judgment

- 1.0 This complaint was received on 26/02/2020. However, due to epidemic of Covid-19 lockdown was declared by the Government from 23/03/2020 and consequently guidelines were issued by MERC in that respect. For these reasons the matter could not be heard personally by requiring the parties to remain present in the office of this Forum. Thereafter, the amended Regulations were received from MERC on 21/09/2020 in which option has been provided for hearing the parties through Video Conference. Therefore, the parties were asked whether they are ready for hearing through Video Conference. However, the parties have requested hearing through video conferencing. Accordingly, the matter was heard on 03/11/2020 through video conference and order is being passed. For above reasons, the delay of 192 days has occurred in deciding this complaint.
- 2.0 In this grievance application, the consumer has requested this Forum to direct the Respondent to revise the bills from May 2019 as they are high.
- 3.0 The complainant's case as stated in the grievance may be stated as under :
- a) The complainant has received the bill amounting to Rs. 4,290.00 for 525 units in the month of May 2019. According to the complaint this seems to be preposterous as he has not used this amount of units.
 - b) The house of the complainant was under renovation since 3-4 months. Due to it the complainant has not used many appliances such as air-condition, ceiling fans. In such facts the aforesaid amount of bill is not understandable and therefore the Respondent is liable to revise the bills. It is submitted that it cannot be presumed that in summer every household has used the fan and air-condition more than often.
 - c) According to the complainant, the Respondent had called for meter testing on 28/06/2019 but due to heavy rain he could not remain present at the place where the testing was scheduled. He was not informed about testing of scheduled on 08/07/2019. On 15/07/2019 during his visit to office of the Respondent at Dadar, it was informed him that the Respondent would be testing the meter again.
 - d) The bill of subsequent month has been received after change of meter was Rs. 1,430.00. However, the bills of high amount have not been revised by the Respondent, so the complainant approached to the IGRC of the BEST Undertaking but the IGRC has also rejected the said grievance application. Hence, the complainant has approached to this Forum with the aforesaid request for seeking revision of the high bills as described earlier.
- 4.0 The Respondent has given reply and opposed the grievance application before this Forum. The Respondent's case may be stated as under :

- a) On 21/05/2019, the complainant had filed the complaint about high bill amount of Rs. 4,290.00 for 529 units for the month of May 2019. In this regard, meter no. A143309 was tested on 18/06/2019 on the site but no error was found in it. The consumer was not satisfied with the said result. Therefore, the said meter was removed and replaced by new meter no. 1153697 on 20/06/2019. The old meter was removed with final reading as 21015 units and new meter was installed with the reading as '0'.
- b) The Respondent scheduled the official testing of the old meter no. A143309 on 28/06/2019 and it was informed to the complainant. However, the complainant remained absent. Therefore, the meter testing was done on 08/07/2019. In that testing, meter no. A143309 was found working within limitation of accuracy.
- c) The above testing report was informed to the complainant by email dtd. 16/07/2019 and it was requested to the complainant to pay the bill for month of July 2019 for Rs. 8,230.00
- d) In reply to the aforesaid email of the Respondent, the complainant stated that new meter has recorded consumption of 417 units in September 2019, 374 units in October 2019 and 88 units in November 2019. In view of this, the Respondent decided to test the meter no A143309 again on 11/10/2019 and accordingly the complainant was requested to attend the testing. On 11/10/2019, in presence of the complainant's representative Shri Rohan Malusare, the testing was done and meter was found working within limitation of accuracy. Accumulated units were charged after replacement of meter by new meter. Hence, as informed by the Respondent vide email dtd. 21/09/2019, necessary dr/cr adjustments were carried out and net credit of Rs. 920.00 was effected in the bill for the month of October 2019.
- e) The complainant made the complaint to IGRC of the Respondent in Annexure 'C' form. In view of the aforesaid facts of the case, IGRC found no merits in the complaint and therefore it has rejected the complaint. According to the submission of Respondent before this Forum the complaint has no merits and therefore it be dismissed.

5.0 we have heard the submissions of the representatives of both the parties through video conferencing on 03/11/2020. The representative of the complainant has submitted that the grievance is about the bill of May 2019 and July 2019 in respect of high billing. He has made the submissions as per the contentions raised in the grievance application filed before this Forum and submitted that the tests of the meters were not done in presence of the complainant or his representative at the time of removal of old meter as well as at the time of official testing. Therefore, the complainant is dissatisfied with the testing results.

- a) The representative of the Respondent has submitted that both the meters were tested in presence of the complainant or his representative ultimately and no error was found

in the meters at the site of installation as well at official testing. Therefore, the grievance of the complainant has no substance and it is liable to be dismissed.

- 6.0 In view of the above submissions of the parties and cases pleaded by them respectively, the following **points arise for determination**, on which we record our findings as under, for the reasons to follow.

Sr. No.	Points for determination	Findings
1	Whether the bills from May 2019 as alleged by the complainant are high ?	No
2	What is the order ?	The complaint is dismissed.

- 7.0 **We record our reasons for the aforesaid finding on the points for determination as under :**

- a) It is the contention of Mr. Pravin Kadam that in the year 2019 he received an inflated bill. These bills pertain to May 2019 and July 2019. It is his allegation that this is because the meter installed on the premises was faulty. In place of an average bill of about Rupees 1500 per month, he received bills of about 4500 + in both these periods.
- b) BEST Undertaking on the other hand has stated that on receipt of the Complaints on both occasions, prompt action was taken as laid down by the standard operating procedures of the BEST, as well as the MERC Regulations. On the first occasion in June 2019 the meter was subjected to a spot test and subsequently removed and taken to the BEST Meter Testing Workshop for analysis.
- c) On the spot testing, according to the Respondent, the meter was found in order, but the complainant was dissatisfied with the result. Then the first meter was removed in June 2019 and its test was proposed to be done on 28 June 2019 in the presence of the Complainant, to check its veracity and accuracy of its readings. Mr. Narayan Kadam was unable to attend this meter testing procedure as he stated that it was raining excessively in Mumbai on that date. Subsequently the BEST carried out this test on 11th July 2019 allegedly in the absence of Mr. Narayan Kadam.
- d) When Mr. Kadam protested about the conduct of this test in his absence, a third date was fixed for the testing of the said meter on 11th October 2019. One Mr. Rohan Malusare was deputed by Mr. Narayan Kadam to appear on his behalf and he was present at the time of testing on that date. It has been noted that the meter was tested and found to be accurate in its readings. The Test Report bears the signature of Mr. Rohan Malusare as witness, which Mr. Praveen Kadam acknowledges as correct.
- e) Regarding Meter Number Two which was installed on the premises in place of the earlier meter which was taken for testing, following the complaint made by the

consumer, it is seen that the BEST Undertaking conducted a Spot Test of the same in the presence of the Nominees of Mr. Narayan Kadam. At that time the said meter was found to be accurate in its readings. It is noted that the same Meter continues to be used at the site from the date of testing till date and there is no grievance regarding its readings and bills raised based on the same, thereafter.

- f) Mr. Pramod Kadam, representative of the complainant's allegations basically are that he did not get adequate opportunity to be present at the time of the respective tests carried out by the undertaking on both meters. The facts and circumstances of the case do not support these allegations. One meter was tested in the laboratory and found to be working properly. The other continues to work normally to this day.
 - g) All allegations pertaining to defective meter are not sustainable as per the regulations laid down by the MERC.
- 8.0 In such circumstances, for above reasons we have no other option but to dismiss the complaint of Mr. Narayan Kadam. Hence, we pass the following order.

ORDER

- 1.0 The grievance no. N-FS-407-2020 dtd. 28/02/2020 stands dismissed.
- 2.0 Copies of this order be given to all the concerned parties.

sd/
(Shri. R.B Patil)
Member

sd/-
(Dr. M.S. Kamath)
Member

sd/-
(Shri S.A. Quazi)
Chairman