

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)-221-2014 dtd. 18/02/2014

Shri K. SrinivasanComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : 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 K. Srinivasan

On behalf of the Respondent : 1. Shri S.V. Fulpagare, DECC(G/S)
2. Shri S.B. Lande, AECC (G/S)
3. Smt. Chandra Shrinivasan, AAM

Date of Hearing : 21/03/2014

Date of Order : 20/05/2014

Judgment by Shri. R.U. Ingule, Chairman

Shri K. Srinivasan B-11, 3rd floor, RBI Officers' Qtrs., P. Balu Marg, Prabhadevi, Mumbai - 400 028 has come before the Forum for dispute regarding high bill pertaining to A/c no. 709-719-055*6.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 14/10/2013 for dispute regarding dispute regarding high bill pertaining to A/c no. 709-719-055*6. The complainant has approached to CGRF in schedule 'A' dtd.14/02/2014 (received by CGRF on 14/02/2014) as the consumer is not satisfied with the remedy provided by the the IGR Cell Distribution Licensee regarding his grievance. The complainant has requested the Forum to recalculate electricity bill for the period September 2013 & October 2013 on average basis and issue him correct bill.

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

- 2.0 Electric supply is given to the complainant premises in the name of Shri K. Srinivasan through the meter no. A112464 from 17/10/2011 for residential purpose. The complainant was issued electricity bill amounting to Rs. 34,305.00 for 3176 units consumed in the month of September 2013 and bill amounting to Rs. 54,320.00 (inclusive of previous month's unpaid bill) for 1676 units consumed in the month of October 2013.
- 3.0 After receipt of complaint from the complainant in Annexure 'C' format dtd. 13/10/2013, meter no. A112464 was tested for accuracy on 23/10/2013 and observed that meter was working beyond the limits of accuracy.
- 4.0 Defective meter no. A112464 was replaced by meter no. E119940 on 13/11/2013.
- 5.0 Necessary debit / credit was carried out and net credit of Rs. 43,183.73 was given to the complainant and same is effected in the billing month of March 2014.

REASONS

- 6.0 This Forum has heard the complainant Shri K. Srinivasan in person and for the Respondent BEST Undertaking Shri S.V. Fulpagare DECC(G/S), Shri S.B. Lande AECC(G/S) along with Smt. Chandra Shrinivasan AAM. Perused documents placed before us.
- 7.0 This Forum finds the present matter on its hand being *an open and shut case*. On perusing the complaint placed before this Forum in Schedule 'A', we observe that as alleged by the complainant, the meter problem was for the period from 13/08/2013 to 11/10/2013 for which he has been charged Rs. 52,000.69. It is significant to observe at this juncture that the complainant has candidly admitted that his average consumption per month has been about 340 units, against which the Respondent BEST Undertaking for a period of two months has shown the consumption of 4852 units, which has triggered of the controversy to be resolved in the instant complaint.

- 8.0 Now this Forum finds that the documents placed on record by the Respondent BEST Undertaking viz. *Lab Test Report* of the meter no. A112464 dtd. 13/012/2013 manifests that the said meter was found having “**No Display, no communication, no pulse out and accuracy cannot be taken**”. Thus, this Forum finds that obviously the meter provided to the complainant was *non-functioning* and *stopped* recording the electricity consumption by the complainant. This Forum therefore finds that the Respondent BEST Undertaking has rightly taken a recourse to a statutory provision provided under second proviso under Regulation 15.4.1, for the purpose of “**billing in the event of defective meters**”, provided under MERC (Electricity Supply Code and Other Conditions of Supply) Regulation, 2005.
- 9.0 While calculating the charges of electricity payable by the complainant under the said statutory provision provided under second proviso of Regulation 15.4.1, the Respondent BEST Undertaking has placed on file “computerized meter reading folio”. A bare perusal of the same manifests that to draw average, the Respondent BEST Undertaking has rightly taken into consideration preceding 12 months period from 13/05/2013 to 11/05/2012. The total consumption has been 3606. The average monthly consumption comes to be 338 units per month, for charging the complainant for a period of three months as the meter provided to him found to be stopped one. At this juncture, we may reiterate that as admitted by the complainant his average monthly consumption was 340 units per month. Thus, this Forum finds that the Respondent BEST Undertaking has rightly charged the complainant average 338 units per month for a period of three months for recovery of electricity charges for a period wherein the meter was stopped recording consumption.
- 10.0 In this connexion, this Forum finds that the Respondent BEST Undertaking has placed before us a calculation sheet viz. “debit / credit statement”. A bare perusal of the same manifests that taking into consideration the average consumption per month is of 338 units for a period of three months, the Respondent BEST Undertaking has charged Rs. 10,955.29 inclusive of cost and all the taxes and charges. Admittedly for the said period the Respondent BEST Undertaking has charged the complainant of Rs. 56,380.66. Thus, this Forum finds that the complainant was entitled to get credit of Rs. 45,425.37. It has been candidly submitted by the Respondent BEST Undertaking in its written statement placed before this Forum that the complainant is to be given credit of Rs. 45,425.37 and the same has been intimated to him vide letter dtd. 26/02/2014, for the period 13/08/2013 to 20/01/2014 and the said letter has been placed before this Forum.
- 11.0 This Forum further finds that the Respondent BEST Undertaking submitted that an amount of Rs. 2,241.64 would be debited for the period from 12/07/2014 to 12/09/2013 in consumer’s bill earlier in the month of January 2014 as partial adjustment and same would appear in his ensuing bill. Accordingly, this Forum finds that the bill for the month of March 2014 placed before us manifests that the Respondent BEST Undertaking has proceeded to deduct the amount of Rs. 2,241.64 from Rs. 45,425.37 and shown total adjustment amount of Rs. 43,183.73. To sum up,

this Forum finds that the bill for the month of March 2014 manifests that the complainant has been given net credit of Rs. 43,183.73 as discussed above.

- 12.0 To conclude, we find that the grievance raised by the complainant has been duly redressed with by the Respondent BEST Undertaking, taking recourse to statutory provision adverted to above. This Forum thus find no controversy remain to be resolved in the instant complain, therefore the complaint does not survive.
- 13.0 This Forum observe at this juncture that there is some delay in passing the instant order as the ministerial staff as well as the members of the Forum were required to go on leave being the summer vacation period.
- 14.0 Before we part with this order, this Forum may observe that in the bill for the month of November 2013, the officials for the Respondent BEST Undertaking has passed hand written remarks under its signature and seal. The complainant has raised an objection in respect of the bill for the month of January 2014 wherein there has been hand written remarks without any signature and seal to provide any authenticity to such remark. This Forum fully agrees with the objection raised by the complainant. This Forum therefore exhort the officials of the Respondent BEST Undertaking to ensure that no such hand written remark would appear on the bill to be served on its consumer without having any signature and seal there under. At the same time we observe that the "Lab Test Report" placed before this Forum manifests the falsity in such hand written remarks passed at the foot of bill for the month of January 2014. We hope that reoccurrence of such incidence would be avoided by the Respondent BEST Undertaking in future.

ORDER

1. The complaint no. N-G(S)-221-2014 stands dismissed.
2. Copies be given to both the parties.

(Shri S.M. Mohite)
Member

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman