

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 -F(N)-210-2013 dtd. 31/10/2013

Shri Mohammaed Arif A. SaudagarComplainant

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 Mohd. A.A. Saudagar

On behalf of the Respondent : 1. Shri M.Y. Shethwala, Supd CC (F/N)
2. Smt T.Y. Rege, AAO3
3. Shri D.T. Malvankar, Supervisor

Date of Hearing : 20/12/2013 & 12/02/2014

Date of Order : 05/03/2014

Judgment by Shri. R.U. Ingule, Chairman

Shri Mohammaed Arif A. Saudagar, Room. No. 2, Gr.floor, Bldg. no. 8, Kidwai Nagar, R.A.K. Road,Mumbai - 400 031 has come before the Forum for dispute regarding wrong bill pertaining to A/c 707-432-035.

Complainant has submitted in brief as under :

1.0 The complainant has approached to IGR Cell on 20/08/2013 for grievance regarding wrong bill pertaining to A/c 707-432-035. The complainant has approached to CGRF in schedule 'A' dtd. 28/10/2013 (received by CGRF on 29/10/2013) 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 issue him correct bill.

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

2. Electric supply is given to the complainant's premises first time on 21/02/1963. The meter no. 0459522 was installed on 01/02/1993 for the complainant's premises for residential purpose.
3. Vigilance Dept. had conducted the raid on 15/02/2010 and meter no. 0459522 found tampered and vigilance case no. VGN-416/T-09 dtd. 15/02/2010 was registered. Meter no. A096283 (EMCO make) was installed on 18/02/2010 for the complainant's premises. The same was found defective i.e. running fast and replaced by meter no. J092403 (EMCO make) on 27/07/2010.
4. Inadvertently the meter nos. A 096283 (EMCO make) was not updated in the system for the billing purpose, consequently meter no. J092403 was not updated in the system for the billing purpose. However, the complainant was billed regularly as meter reader was recording the reading of the meter no. A 096283 and thereafter of meter no. J 092403 on the meter reading folio. This was continued upto June 2011. In short the complainant was billed correctly upto May 2011.
5. From June 2011, the meter reader has started to take meter reading on RAMCRAM machine. The meter no. A 096283 and thereafter meter no. J 092403 were not updated in computer system for billing purpose. Therefore, complainant was billed zero units from 16/06/2011 to 11/10/2012. In October 2012 meter no. J 092403 was updated for billing purpose in computer system. During the period 16/06/2011 to 11/10/2012, meter no. J 092403 was working for applicant's premises and recording the electric consumption of the complainant.
6. Site investigation was carried out on 17/08/2011 and it was observed that meter no. J092403 is installed for the complainant premises and registered electric consumption as 11980 units, which was found progressive to the prior reading and meter found in working condition.
7. This meter no. J 092403, and consumption recorded by the meter was updated in the computer system on 06/10/2012 for billing purpose. Subsequently, the meter reader has brought the meter reading as 18800 with 9974 units consumed on 11/10/2012 charged to the complainant. This is a correct meter reading recorded by the meter, the consumption of 9974 units were divided for the period from 16/06/2011 to 11/02/2012 and complainant was billed accordingly in ensuing month. The complainant has objected to split these 9974 units equally for the period from 16/06/2011 to 11/10/2012 stating that he was not staying in the said premises for some months.

8. Meter no. J 092403 found stopped with meter reading 20048 and same is replaced by meter no. B 108897 on 29/11/2012. Later on meter no. B 108897 found burnt and replaced by meter no. L 112658 on 31/01/2013.
9. The complainant was given credit amounting to Rs. 1,36,281.61 towards 9974 units charged, 10 days billing based on consumption of meter no. J 092403, 1659 units due to system generated error and minimum charges charged and debited amount of Rs. 88,143.08 towards actual consumption of 9887 units for the period 16/05/2011 to 11/10/2012 by giving slab benefit, 1076 units for the period 09/11/2012 to 09/12/2012 etc. and refunded DP charges amounting to Rs. 2,796.23 and interest amounting to Rs. 11,386.58 for the period November 2012 to March 2013 and the same debit / credit is reflected in billing month September 2013.
10. In the month of October 2013 DP charges amounting to Rs. 1,944.26 and interest amounting to Rs. 21,701.38 for the period April 2013 to September 2013 was given. The consumer has to pay Rs. 2,54,144.07 as on July 2013 bill.

REASONS

11. We have heard Shri Mohd. A.A. Saudagar for the complainant and for the Respondent BEST Undertaking Shri M.Y. Shethwala, Supdt. CC (F/N), Smt T.Y. Rege, AAO3 and Shri D.T. Malvankar, Supervisor. Perused papers.
12. The complainant has approached the Forum with the complaint that, he is receiving wrong bill from the last three years pertaining to A/c no. 707-432-035. The first complaint as per him was lodged on 05/03/2010 (pg. 73) and his contention is that meter no. A096283 is 100% fast. Though it was excess amount, he has paid the same and even after complaining to Customer Care F/N ward of Respondent BEST Undertaking have not corrected the bill and now asking for the payment of bill of Rs. 3,08,500.00 for residential use for the billing period ending on September 2013 (pg. 5). Also he has said that he has lodged the complaint under Annexure 'C' on 20/08/2013 for the excess billing. However, he is not satisfied with the justification given by the Respondent BEST Undertaking.
13. After registering the complaint with the Forum, the Respondent BEST Undertaking was asked to forward its submission and issue wise comments for the contention raised by the complainant. As per the Respondent BEST Undertaking, the problem has started when the consumer's meter no. 0459522 found tampered on 15/02/2010 and the case was registered for the tampering by the Vigilance Dept. of the Respondent BEST Undertaking vide no. VGN-416/T-09 dtd. 15/02/2010. As meter no. 0459522 found tampered, it was replaced on 18/02/2010 by meter no. A096283. The meter no. A096283 was not updated inadvertently in the system, however, the reading was recorded on Meter Reading Folio placed before us at pg. no. 53 and accordingly updated in the system which is shown against the old meter i.e. 0459522 (pg. 91). This meter no. A096283 was also found defective on 27/07/2010 and replaced by meter no. J092403 (pg.55).
14. After installation of the meter no. J092403, this meter was also not inadvertently updated in the system though the reading was updated regularly. In this context, Meter Reading Folio referred to above shows the entries. The explanation given by the Respondent BEST Undertaking is that after introduction of RAMCRAM machine, to take the meter reading and upload the same in the system, it took time and it was updated in the system on 06/10/2012. Hence, the complainant's consumption was

shown as 'zero' for the period from June 2011 to October 2012 (pg. 91). The reading was updated in the system on 06/10/2012. The total unit shown was 9974 which was system generated reading, however, the actual reading was 9887. As the complainant was tampering the meter no 0459522, his earlier consumption was low and it was showing 169 units in the February 2010. However, after vigilance raid and installation of the meter no. A096283, the units registered have shot up to 1572 units in the month of April, 2010 for two months (pg. 91). The complainant was paying part payment of the total bill upto the month of September 2010 (at pg. 147) and therefore led to the accumulation of the arrears. The complainant was billed for 9974 units amounting to Rs. 1,18,351.58 and the same has appeared in bill of the month of October 2012 (pg. 99). Thereafter, meter no. J092403 was also become defective and replaced on 29/11/2012 with meter no. B108897. As the meter no. J092403 was found defective, necessary debit / credit was carried out for 20 days (pg. 143). As per the Respondent BEST Undertaking the meter no. J092403 was earlier read on 09/11/2012 was recording correct reading. The terminal block of new meter i.e. B108897 was again burnt but the reading recorded by this was accurate and the meter no. B108897 was replaced on 30/01/2013 with meter no. L112658 which was recording proper reading till July 2013.

15. The Respondent BEST Undertaking has vehemently submitted that it is only in the case of present complainant consumer, five meters were required to be changed. Therefore it is evident *per se* that the complainant has been tinkering with the meters. We find a merit in the said argument advanced by the Respondent BEST Undertaking.
16. The complainant has paid last part bill in the month of May 2011. Thereafter admittedly he has not paid any electricity bill. His major complaint was that the meter no. J 092403 became defective hence, site investigation was carried out for this meter on 17/08/2011 in which reading recorded in the meter no. J092403 is 11980 which shows that the meter reading is of progressive nature and also during the investigation, meter was found to be correct. After registering the complaint in Annexure 'C' on 20/08/2013, the complainant was given the benefit of slab benefit all the credit, DP and interest rebate.
17. Though the meter has been replaced on five occasions, there is only one incident when meter no. J092403 became defective for 20 days. From the Meter Reading Folio at pg. no. 91, it can be seen that the meter no. J092403 have registered proper reading on 09/11/2012 and the meter was replaced on 29/11/2012 hence, therefore the defect was only for 20 days. In another case, the meter no. B108897 was replaced due to burnt terminal block, therefore it cannot be treated as defective meter. Hence none of the meter amendment required to be carried out as per Regulation 15.4.1 and the contention of the Respondent BEST Undertaking that the complainant has properly charged to complainant consumer is correct. However, as the consumer was not paying electricity bill since May 2011, the bill has accumulated up to Rs. 3,42,759.00 till July 2013 (pg. 119) which includes DP charges and interest. The necessary amount is credited and is as follow as stated in the say submitted by the Respondent BEST Undertaking dt. 06/01/2014.

Refund of DP charges

- | | | |
|----|--|------------------------------|
| 1. | November 2012 to March 2013 - Rs. 2796.23 | Reflected in Sept. 2013 bill |
| 2. | April 2013 to September 2013 - Rs. 1944.16 | Reflected in Oct. 2013 bill |

Refund of Interest charges

1. November 2012 to March 2013 - Rs. 11386.58 Reflected in Sept. 2013 bill.
2. April 2013 to September 2013 - Rs. 21701.38 Reflected in Oct. 2013 bill.

Summary statement for Debit /Credit statement, with DP and Interest are as follows.

The electricity bill for the month of July 2013	- 3,42,759.00
1. Credit	- 1,36,281.61 reflected in Sept 2013 bill
2. Debit with slab benefit and amendment	- 88,143.08 reflected in Sept 2013 bill
3. Refund of DP charges	- 2,796.23 reflected in Sept 2013 bill - 1,944.16 reflected in Oct 2013 bill
4. Refund of interest charges	- 11,386.58 reflected in Sept 2013 bill - 21,701.38 reflected in Oct 2013 bill
5. Refund of wrong slab benefit (300 units)-	2,648.05 will reflect in ensuing bill

18. In the aforesaid observation and discussion we hold that the complainant is under obligation to pay Rs. 2,54,144.07 for clearing the electricity dues upto July 2013 and Rs. 3,08,588.00 till the month of September 2013. As the complainant may not be able to pay this accumulated bill in one go, therefore he needs to be granted installment to clear the dues.
19. Before we part with this order, we may mention here that there is some delay in passing the instant order as the complainant consumer sought an adjournment and thereafter the Respondent BEST Undertaking has also sought an adjournment for providing details in respect of the electricity charges claimed against the complainant. This Forum granted the aforesaid adjournment in the interest of justice.
20. Accordingly we proceed to pass the following order.

ORDER

1. The complaint no. N-F(N)-210-2013 stands dismissed.
2. However, the Respondent BEST Undertaking is directed to allow and accordingly direct the complainant consumer to pay the electricity charges of Rs. 3,08,588.00 as shown in the electricity bill for the month of September 2013, in six monthly equal installments.
3. Compliance of this order be informed to this Forum within a period of one month therefrom.
4. Copies be given to both the parties.

(Shri S.M. Mohite)
Member, CPO

(Shri M P Thakkar)
Member

(Shri R U Ingule)
Chairman