

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-GN-277-2015 dtd. 15/12/2015.

Shri Allabaksha ShaikhComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.Y. Gaikwad, Member
2. Shri S.M. Mohite, Member CPO

On behalf of the Complainant : 1. Shri Allabaksha Shaikh

On behalf of the Respondent : 1. Shri M.A. Qureshi, Supdt. CC(G/N)
2. Smt. P.S. Kekane, AAM CC(G/N)

Date of Hearing : 04/02/2016

Date of Order : 12/02/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Allabaksha Shaikh, A 813, Ground floor, Gausia Masjid, K.K. Krishnan Menon Marg, 90 ft. Road, Dharavi, Mumbai - 400 017 has come before the Forum for complaint regarding his dispute about high bill raised in the month of August 2013 for the period 01/09/2012 to August 2013 pertaining to A/c no. 756-286-013*2.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 08/01/2014 for complaint regarding his dispute about high bill raised in the month of August 2013 for the period 01/09/2012 to August 2013 pertaining to A/c no. 756-286-013*2.. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 11/12/2015) as he was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding his grievance.

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

- 2.0 The complainant Shri Allabaksha Shaikh came before the Forum regarding his dispute about high bill raised in the month August 2013. In the month August 2013 he was charged for accumulated 2495 units recorded by the meter number E110601 for the period 01/09/2012 to August 2013 , A/c No 756-286-013*2.
- 3.0 Electric supply was given to the complainant's premises under reference in the name Smt Kausalyabai S Gaikwad from 07/01/1983 under A/C No 756-286-007. Shri Allabaksha Shaikh had applied for transfers of electric supply in his name vide I.D. No 19558673 dated 03/03/2012. The electric supply through then meter number C092909 has been transferred in his name from March 2012 and new A/C number 756-286-013 was given.
- 4.0 It was observed that Meter number C092909 was not showing display. Hence meter C092909 was replaced by meter E110601 on 01/09/2012. New meter E110601 was updated in the system in August 2013.
- 5.0 The consumer was billed on estimated average basis from 01/09/2012 i.e date of installation of meter to Aug 2013. In the month August 2013 the consumer was billed for 2495 units consumed recorded by meter number E110601. The complainant has filed his grievance in Annexure C format on 08/01/2014.
- 6.0 The complainant was billed as per consumption of the meter recorded by meter reader on meter reading folio from 01/09/2012 to 09/05/2013 for balance period from 09/05/2013 to 09/08/2012 necessary slab benefit was given. Also defective meter (C092909) amendment for the period 08/05/2012 to 09/08/2012 was carried out. This has resulted in net debit of Rs 2,525.76 and was debited in monthly bill of October 2014.
- 7.0 Also Rs 850.53 towards delay payment charges and Rs 2,818.56 towards interest due to wrong billing for the period Aug 2013 to June 2014 was refunded in billing month Oct 2014. As consumer has not made payments, bill amount has increased to Rs 55,396.43 as Dec 2015. The complainant has to pay this bill.

REASONS

- 8.0 We have heard the arguments of the complainant in person and for the Respondent BEST Undertaking Shri M.A. Qureshi, Supdt. CC(G/N), Smt. P.S. Kekane, AAM CC(G/N). We have perused the documents annexed by the complainant with Annexure as well as perused the written statement filed by the Respondent BEST Undertaking along with documents marked as Exhibit 'A' to 'K'.

- 9.0 After hearing the arguments advanced by both the parties, it reveals that the grievance of the complainant is in respect of consumption of units of 2495 through meter no. C092909 bill issued for the month of August 2013. According to the complainant, he used to get average consumption of units in between 250-300 and so the bill for August 2013 issued for units of 2495 is not correct and the excess consumption was shown due to defective meter. Here we wish to observe that as meter no. E110601 was not updated till August 2013 so on the basis of actual consumption noted by Meter Reader on folio, necessary Dr/Cr is prepared. So we do not find any substance in the grievance of the complainant regarding high bill issued for the month of August 2013.
- 10.0 We have perused the Meter Ledger Folio placed on record by the Respondent BEST Undertaking after hearing the matter as initially the Respondent BEST Undertaking had not placed it on the record as to best reason known to them. We have gone through the amendment for three months carried out by the Respondent BEST Undertaking for the period from 08/05/2012 to 09/08/2012 in respect of above said defective meter. It appears that the above said meter was defective as there was no recording of units and so the Respondent BEST Undertaking did not go through lab test and replaced the said meter on 01/09/2012 by new meter no. E110601. It means the Respondent BEST Undertaking themselves have satisfied that the above said meter was stopped and so they have to act as per Regulation 15.4 of MERC. After perusal of Exhibit 'E', the Respondent BEST Undertaking has taken into consideration the base period for average units as 10/11/2010 to 11/05/2011. *Prima facie* the base period appears to be wrong and at the time of argument the representative of the Respondent BEST Undertaking was unable to explain as to how and in what way they have taken the above said base period and carved out average bill for 336 units per month.
- 11.0 The Respondent BEST Undertaking was expected to take the base period as per Regulation 15.4 which we think just and proper to reproduce.

Regulation 15.4 - Billing in the Event of Defective Meters

15.4.1 Subject to the provisions of Part XII and Part XIV of the act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.

xxx	xxx	xxx
xxx	xxx	xxx
xxx	xxx	xxx

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based

on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

Thus it is crystal clear that the base period for average bill for charging three month's amendment bill as carved out by the Respondent BEST Undertaking is not proper. Hence, it is just and proper to issue directions to give effect to above said Regulation and issue revised bill in that regard.

- 12.0 Here we wish to observe that when the Respondent BEST Undertaking has placed on record Meter Ledger Folio, it appears that previously in the year 2003-05 there was no consumption of electricity units as in units column '0' is shown. Thus it appears that at that time also there was defect in meter for recording units and for that the employee of the Respondent BEST Undertaking must be cautious to see actual consumption of electricity by the consumer to protect the interest of the BEST Undertaking. After perusal of the Meter Ledger Folio for the period from August 2008 to January 2010 the average consumption of electricity by the complainant appears to be in between 300-400 units. But it appears from Meter Ledger Folio that the base period considered for the amendment bill for three months appears to be not proper.
- 13.0 Having regard to the above said reasons we think it proper to direct the Respondent BEST Undertaking to charge the amended bill for June 2012 to August 2012 for defective meter bearing no. C092909 as per Regulation 15.4. It appears that the Respondent BEST Undertaking did not choose to get tested the meter no. C092909 but they have opted for testing of meter bearing no. E110601 i.e. the meter affixed after replacement of meter no. C092901. The test report reveals that the RTC was defective and the said meter found correct in accuracy test and dial test. However, in this case there appears to be no dispute regarding recording of units by meter no. E110601.
- 14.0 For the above said reasons we found substance in the grievance of the complainant regarding consumption of electricity units through meter no. C092901. We find that Respondent BEST Undertaking has not properly carved out amended bill for three months by the above said defective meter which was stopped recording the units. In result the complaint deserves to be partly allowed as under.

ORDER

1. The complaint No. N-GN-277-2015 dtd. 15/12/2015 stands partly allowed.
2. The Respondent BEST Undertaking is hereby directed to carry out amendment in the bill for the period from 08/05/2012 to 09/08/2012 as per Regulation 15.4 and issue revise bill accordingly.
3. The Respondent BEST Undertaking is hereby directed not to charge DPC and interest while issuing the revise bill for the above said amendment.

4. The Respondent BEST Undertaking is directed to comply with the order within one month from the receipt of the order along with detailed calculations for carving out the amended bill for the period from 08/05/2012 to 09/08/2012.
5. Copies of this order be given to both the parties.

(Shri S.Y. Gaikwad)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman