

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. S-D-276-2015 dtd. 03/12/2015.

Shri Atul JoganiComplainant

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 Samir R. Dhruv

On behalf of the Respondent : 1. Shri H.V. Vagal, DECC(D)
2. Smt. S.S. Redkar, AAM CC(D)

Date of Hearing : 21/01/2016

Date of Order : 27/01/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Atul Jogani, C-4, 2nd floor, Triveni Bldg., 66, Walkeshwar Road, Malabar Hill, Mumbai - 400 006 has came before the Forum for High Bill complaint regarding A/c no. 460-585-027*8.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 17/08/2015 for High Bill complaint regarding A/c no. 460-585-027*8. The complainant has approached to CGRF in schedule 'A' dtd. 01/12/2015 (received by CGRF on 02/12/2015) 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 Shri Atul Jogani has come before the Forum regarding his grievance about high bill pertaining to A/C 460-585-027*8 since 19/07/2013. He further requested to recheck his earlier meters (**M018122, N123077 & N125588**) installed for the said premises.
- 3.0 Electric supply was given to the complainant's premises under reference through meter number **M018122**. Vide letter dated 19/07/2013, the complainant had complained about high bill pertaining to meter number **M018122**. Accordingly , meter number **M018122** tested on site on 17/08/2013 and found O.K.
- 4.0 Vide another letter dated 26/05/2014 , the complainant had complained about high bill. Accordingly , meter number **M018122** tested on site on 26/05/2014 by accucheck machine and observed that the accuracy of the meter is beyond permissible limits i.e 32.23 % . Therefore , meter number **M018122** was replaced by meter **N123077** on 18/06/2014. The meter **M018122** was sent for lab testing. During lab testing on 23/01/2015 meter **M018122** found OK in accuracy but RTC (Real Time Clock) failure. Hence , there is no need to carry out CR/DR adjustment pertaining to meter **M018122**.
- 5.0 Till May 2014, the consumer was making regular payment of his bill pertaining to A/C 460-585-027*8. Thereafter on pretext of high bill complainant , the consumer was paying current month bill and his account was kept under “ **Not to Disconnect** “ flag. Newly installed meter number **N123077** was tested on 17/10/2014 on site against the complaint dated 04/10/2014. During site testing, it was observed that pulse count LED of meter was not working (very dim) and accuracy of meter found below permissible limits of error i.e -27%. Therefore meter number **N123077** was replaced by meter number **N125588** on 18/11/2014. During lab testing on 22/06/2015, meter **N123077** found below permissible limits of accuracy i.e. -33.70%. Necessary debit credit is carried out amounting to Rs 31,953.29 and same will be reflected in January 2016 bill after Audit Scrutiny.
- 6.0 Meter number **N125588** tested on site on 03/07/2015 in presence of complainant vide high bill complaint dated 03/07/2015. It is observed that accuracy of the Meter **N125588** found within permissible limits i.e 1.78%
- 7.0 As accuracy of meters **N123077** and **N125588** found within permissible limits, Not To Disconnect remark revoked on 27/08/2015. Then notice for disconnection of electric supply for non-payment of charges was served to the complainant. The complainant has paid entire amount under protest.

REASONS

- 8.0 We have heard the arguments of the representative of the complainant Shri Khalid Khatri and the representative of the Respondent BEST Undertaking Shri H.V. Vagal, DECC(D) as well as Smt. S.S. Redkar, AAM CC(D). We have cautiously gone through the documents placed on record by the complainant along with Annexure 'A' and written statement supported by documents marked as Exhibit 'A' to 'E'.
- 9.0 The representative of the complainant has vehemently submitted that the average consumption of electricity units by meter no. M018122 replaced by meter no. N123077 and again meter no. N123077 was replaced by meter no. N125588 is high consumption as compared to earlier consumption of electricity units. He has further submitted that in the year 2013-14 and 2014-15, he has filed the complaint before Customer Care and since they have not properly looked into the matter, he approached the Consumer Forum.
- 10.0 We have gone through the record and it appears that meter no. M018122 was replaced by meter no. N123077, which was further replaced by meter no. N125588. In order to ascertain the dispute of high consumption of electricity units by the above said three meters we have carefully gone through the meter ledger folio at Exhibit 'E' since December 2010 to December 2015 and it appears that the consumption recorded by each month in the above said period varies from 800 units to 2000 units. The units consumed as shown in the Exhibit 'E' as well as equipments installed by the complainant which consists of three air-conditioners, two geysers, fridge, tubes, CFL lamps, it appears that in any case it could not be said that units consumed are high. Here we have to mention that presently electricity charges and other charges are increased and therefore the complainant felt that consumption recorded is high. If the complainant thinks that electricity units consumed by the above said two meters are high and he did not approve the testing of meter in lab, he has every right to get it tested in NABL accredited lab (National Accreditation Board for Testing and Calibration Laboratories) on payment of requisite charges and in that case the BEST Undertaking should act upon the said report and issue revise bill, if any.
- 11.0 The representative of the complainant has submitted that he is not aware as to how the meter is to be tested and therefore he could not rely upon the testing reports. The record goes to show that for testing the meter in lab, notice was issued to the complainant and he has every right to appoint other expert person to see whether testing of meter is properly done or not. The representative of the complainant has submitted that he has no knowledge as to testing of meter and therefore he did not approach the said lab. The ignorance of law cannot be excused, otherwise everybody could plead it as defense.
- 12.0 We have gone through the record pertaining to the meter no. M018122 and it appears that the said meter was accu-check on 26/05/2014 on site and it was found that accuracy of said meter was beyond permissible limits of error i.e. (32.23%), Exhibit -C. In view of the said report the said meter was replaced by another meter no. N123077

on 18/046/2014 and the meter no. M018122 was sent to lab test. The said meter was tested in lab on 23/01/2015 and found OK in accuracy test but Real Time Clock was found not working properly. In view of this report at Exhibit 'D', there was no need for the Respondent BEST Undertaking to carry out any Cr/Dr adjustment of meter no. M018122.

13.0 As regards the complaint of the complainant in respect of meter no. N123077, the said meter was accu-tested on 17/10/2014 on site and it was found that pulse count LED was not working (very deem) and accuracy of meter found below permissible limit of error i.e. (-27%), Exhibit 'D'. In view of this aspect meter no. N123077 was replaced by another meter no. N125588 on 18/11/2014 and meter no. N123077 was tested in BEST's lab on 22/06/2015 and it was found that accuracy of said meter was below permissible limit of error (-33.70%), Exhibit 'D'. Thus according to the Respondent BEST Undertaking the said meter was slow by 33.70% and therefore they have rightly carved out the said amount to Rs. 31,953.29. It appears that again the complainant has made the complaint in respect of newly installed meter no. N125588 for high bill and same was accu-tested on site in present of the consumer on 03/07/2015 and it was found that accuracy of meter was within permissible limit of errors. In view of this aspect of the case and considering the lab test report of meter no. N123077 at Exhibit 'D', the Respondent BEST Undertaking has rightly carved out the amount of Rs. 31,953.29 for the month of July 2014 to May 2015. So we do not find any substance in the complaint of the complainant regarding high bill.

14.0 Before parting to pass the final order, we wish to say that the complainant is at liberty to get the meter no. N018122 and N123077 tested in NABL accredited lab on payment of requisite charges within one month from the date of receipt of the order and in that case the Respondent BEST Undertaking is directed to act upon the said test report and issue revise bills, if any. In result we pass the following order.

ORDER

1. The complaint No. S-D-276-2015 dtd. 03/12/2015 stands dismissed.
2. The complainant is at liberty to get the meter no. N018122 and N123077 tested in NABL accredited lab on payment of requisite charges within one month from the date of receipt of the order and in that case the Respondent BEST Undertaking is directed to act upon the said test report and issue revise bills, if any.
3. 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