

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-291-2016 dtd. 15/03/2016.

Shri Chhabildas A. ShahComplainant

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 Devang Mehta
2. Smt Bindu Mehta
3. Shri Karan Mehta

On behalf of the Respondent :
1. Shri D.R. Jamghare, Supdt. CC(D)
2. Smt. S.S. Redkar, AAM, CC(D)
3. Smt. A.S. Kanse, AAO, CC(D)

Date of Hearing : 25/04/2016

Date of Order : 04/05/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Chhabildas A. Shah, R.No. 1501, 15th floor, Rajul Bldg., Plot No. 9-A, J. Mehta Road, Opp. State Bank of India, Walkeshwar, Mumbai - 400 006 has come before the Forum regarding High Bill pertaining to A/c no. 463-510-273*6.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 17/12/2015 for complaint regarding High Bill pertaining to A/c no. 463-510-273*6. The complainant has approached to CGRF in schedule 'A' dtd. 11/03/2016 (received by CGRF on 11/03/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee regarding his grievance.

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

- 2.0 The complainant Shri Chhabildas Shah has come before the Forum regarding his dispute about high bill and adjustment thereon pertaining to A/c no.463-510-273*6.
- 3.0 An investigation was carried out on 06/08/2015 while reverse meter reading investigation memo generated for the meter M019044. During the investigation, it was observed that M019044 was having dim display i.e. Display Defective. Hence, on 21/08/2015 meter no. M019044 was replaced by meter no. N094288. During lab testing, on 11/12/2015 meter no. M019044 found OK with final meter reading as 2441.
- 4.0 On 30/12/2015, newly installed meter no. N094288 was tested with accu-check machine at site vide Investigation Memo generated after receiving complaint in Annexure 'C' from the complainant and found working within permissible limits of accuracy i.e. +1.12% with connected load 11.12 kw. In this regard, system generated reply was forwarded to the complainant on 01/01/1996.
- 5.0 The new installed meter No.N094288 was updated in the billing system from November 2015 and consumer was billed for 1746 units in billing month November 2015. Therefore necessary slab benefit amounting to Rs. 5554.69 worked out for the period from 06/08/2015 to 05/11/2015 and same was reflected in billing month of March 2016.
- 6.0 In the month of December 2015, the complainant was over billed for 2228 units. As a remedy, these over billed units were adjusted in billing month February 2016 and consumer was billed for 48 units only. Necessary slab benefit will be given after Audit scrutiny.
- 7.0 As both the meters no. M019044 and N094288 were found working within permissible limits during testing hence there is no high bill arisen from defect in meter. The consumer was over billed and necessary slab benefits were given.

REASONS

- 8.0 We have heard Smt. Bindu Mehta, wife of the complainant Shri Devang Mehta and for the Respondent BEST Undertaking Shri D.R. Jamghare, Supdt. CC(D), S.S. Redkar, AAM, CC(D) and Smt. A.S. Kanse, AAO, CC(D).
- 9.0 We have cautiously gone through the documents filed by the complainant and the Respondent BEST Undertaking. We have perused the written statement filed by the Respondent BEST Undertaking along with the documents marked at Exhibit 'A' to 'F'. Exhibit 'C' is the test report of meter no. M019044 and its testing status is OK. Exhibit 'F' is the accu-check report on site of new meter no. N094288 and it was found OK. Exhibit 'F' i.e. accu-check report was communicated to the complainant on 30/03/2016. We have gone through the Schedule 'A' i.e. application to the Forum for redressal of grievance. In the said application name of the consumer shown as Shri Chhabildas Shah, however, it is signed by Shri Devang J. Mehta for Shri Chhabildas Shah. Schedule 'A' as well as Index did not depict as to how and in what way Shri Devang Mehta has signed the complaint for Shri Chhabildas Shah.
- 10.0 We observe that while arguing the matter, the complainant and his wife both have submitted that they are occupying the premises as tenant, but nothing has been placed on record to show that they are the tenants of the premises owned by Shri Chhabildas Shah in whose name account is standing in the record maintained by the Respondent BEST Undertaking. Thus, it appears that at least Shri Devang Mehta ought to have filed Power of Attorney from Shri Chhabildas Shah to submit the complaint before this Forum. In the absence of any such record, it appears that in true sense Shri Devang Mehta could not be held as consumer as defined under section 2(15) of Electricity act, 2003. We think it just and proper to reproduce the definition of the consumer that "*Consumer means any person who is supplied with electricity for his own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a Licensee, the Government or such other person as the case may be.*" Considering this definition of the consumer, we wish to observe that the complainant has concealed true facts and approach this Forum. Under such circumstances we wish to observe that Shri Devang Mehta has no *locus standie* to file the present complaint.
- 11.0 Considering the above circumstances really it is not necessary for the Forum to discuss in detail about the merits of the case. However, in case Appellate Authority would defer from our finding of *locus standie* of the complainant then there will be every probability of remand the matter due to want of finding on other points or merits of the case and in order to avoid it we think it just and proper to give finding on every points / merits of the case.

- 12.0 Smt. Bindu Mehta, wife of Shri Devang Mehta has vehemently submitted that the consumption of electricity units for the period from July 2014 to April 2015 was in between the range of 400-500 units per month. Against this consumption of electricity units, the consumption of electricity for the period from May 2015 to December 2015 is double than that of units consumed per month for the period from July 2014 to April 2015. Thus it is submitted that due to defect in the meters, the high consumption was recorded and for that the Respondent BEST Undertaking is required to undergo scrutiny of the record i.e. test reports of the meter and expected to refund the excess bill. The representative of the Respondent BEST Undertaking has submitted that old meter no. M019044 was tested on 11/12/2015 and was found OK with final reading 2441. It has been further submitted that new meter no. N094288 was accu-tested on site on 30/12/2015 and was found OK and therefore there is no substance in the high bill complaint. It has been further submitted that the meter no. M094288 was installed on 21/08/2015 but it was updated in the month of November 2015 and the consumption was billed for 1746 units in one month and for that slab benefit has been given for the period from 06/08/2015 to 05/08/2015 considering the average consumption of 582 units from recorded units of 1746. Thus according to the Respondent BEST Undertaking they have given the credit of Rs. 5,564.69 towards slab benefit and it was credited in the bill for the month of March 2016. It has been further submitted that slab benefit for 05/11/2015 to 04/12/2016 has been carved out and credit of Rs. 3,011.73 is to be given to the complainant after obtaining sanction from Audit Dept. Thus the Respondent BEST Undertaking has submitted that there is no substance in the complaint of high bill.
- 13.0 We have cautiously gone through the billing demand history for the month of April 2014 to March 2016 which is on pg. 95/C after going through the same, it appears that in the month of November 2014 there was consumption of 1001 units. Here, we wish to observe that merely from past consumption of electricity it is not proper to arrive at conclusion that there is high consumption for further period. We are saying so because it depends upon the consumer and it is the consumer who knows very well as to how and in what way and for what purpose he had consumed the electricity. Considering the locality for which electricity supply was given coupled with the area as disclosed by the complainant, in our opinion it cannot be concluded that there was high bill consumption recorded for the month of May 2015 to December 2015. We are saying so because the meter no. M019044 was tested in lab and it was found OK. If in reality the complainant had any grievance regarding the test report of that meter he has every right to opt for testing the said meter in NABL on payment of requisite charges.
- 14.0 As regards the new meter no. N094283 installed on 21/08/2015, the Respondent BEST Undertaking has accu-tested the said meter on site on 30/12/2015 and it was found OK. The Respondent BEST Undertaking has communicated the said test report to the complainant on 30/03/2016. In the said report it has been mentioned that the consumer is satisfied with testing but if in reality the complainant is still unsatisfied with the report of accu-check of meter no. N094288, he has every right to insist the Respondent BEST Undertaking to test it in lab. It appears from the record that for the

first time the complainant has made the complaint of high bill in the month of December 2015. There is no reasonable explanation on the part of the complainant for delay in making the complaint of high bill.

- 15.0 We have gone through the record and it appears that old meter was removed and new meter bearing no. M094288 installed on 21/08/2015 but updated in the bill of November 2015 and for that the Respondent BEST Undertaking has given slab benefit of Rs. 5,554.69 and accordingly credit was given in the bill of March 2016. It appears that adjustment due to over reading for the month of December 2015 to February 2016 is awaiting for the approval from Audit report. While arguing the case the Respondent BEST Undertaking has submitted that for the same over reading they have proposed credit of Rs. 3,011.73 and same will be given to the complainant after sanction from Audit Dept.
- 16.0 Considering the above said aspect of the case really we do not find any substance in the complaint. If the complainant had any grievance of high bill, he is at liberty to get the meter no. N019044 tested in NABL accredited lab on payment of requisite charges within one month from the date of receipt of the order. Likewise, the complainant is at liberty to get tested the meter no. N094288 in lab test within one month from the date of receipt of the order. In the event of testing the meters as stated above the Respondent BEST Undertaking is directed to act upon the said test report and issue revise bill, if any. In result we pass the following order.

ORDER

1. The complaint no. S-D-291-2016 dtd. 15/03/2016 stands dismissed.
2. The complainant is at liberty to get the meter no. M019044 tested in NABL accredited lab on payment of requisite charges within one month from the date of receipt of the order. As well as the complainant is at liberty to get tested the meter no. N094288 in lab of the Respondent BEST Undertaking 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 reports and issue revised bill, 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