

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. GN-289-2016 dtd. 22/02/2016.

M/s Electro Mechanical WorksComplainant

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. Smt. Anuradha S. Pai
2. Shri Prakash N. Shanbhag

On behalf of the Respondent : 1. Smt. P.S. Kekane, AAM, CC(G/N)

Date of Hearing : 12/04/2016

Date of Order : 20/04/2016

Judgment by Shri. Vinayak G. Indrale, Chairman

M/s Electro Mechanical Works, 21, Floor-0, Plot 399, 7-C, Udyog Mandir No. 1, Bhagoji Keer Marg, Nr. Paradise Cinema, Mahim, Mumbai - 400 014 has come before the Forum regarding High Bill complaint pertaining to A/c no. 640-243-102*9.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 30/11/2015 for complaint regarding High Bill complaint pertaining to A/c no. 640-243-102*9. The complainant has approached to CGRF in schedule 'A' dtd. 19/01/2015 (received by CGRF on 15/02/2016) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee regarding her grievance.

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

- 2.0 The complainant has come before the Forum regarding it's grievances about high bill for the period April 2012 to October 2012 pertaining to A/c no. 640-243-102.
- 3.0 Electric supply was given to the complainant premises under reference through Meter no. M034302 under A/c no. 640-243-102 for industrial purpose.
- 4.0 The complainant has informed to the Undertaking vide letter dtd. 28/06/2012 that, "it's factory was closed from April 2012." Along with this letter no documentary evidence regarding closure of factory was submitted by the complainant. Vide letter dtd. 08/07/2013, the complainant in support to his statement it had submitted agreement (Leave and License) copy between M/s Electro Mechanical Works & Nova Weather Works ACR (India) Pvt Ltd & others dated 31/12/2013 and further stated that the said premises being used as godown purpose.
- 5.0 On 09/01/2013, Meter no. M034302 was tested on site and found off load working. Hence it was replaced by meter no. M118150 on 06/03/2013. Meter no. M034302 tested in lab on 22/04/2013. During testing, it was observed that meter, " was showing high voltage (256 Volts). Due to meter showing high voltage , accuracy of above meter can not be tested."
- 6.0 On scrutiny of record it was observed that meter no. M034302 had registered steady consumption upto December 2012. After that, it has shown drop in consumption from January 2013. The consumer was billed on estimated average basis upto 06/03/2013 i.e. replacement of the meter. New meter M118150 has recorded average consumption of 49 units per months for the period March 2013 to June 2013.
- 7.0 Necessary credit / debit was carried out for the period 09/11/2012 to 06/03/2013 by considering average of nee meter for the period 06/03/2013 to 10/05/2013. This has resulted in net credit of Rs 9,610.49 , which is reflected in billing month Oct 2015. Also Delay Payment Charges amounting to Rs 649.54 and interest amounting to Rs 22,618.10 for the period December 2012 to November 2015 was refunded in electricity bill for the month December 2015.

REASONS

- 8.0 We heard the complainant in person and her brother and for the BEST Undertaking, Smt. P.S. Kekane, AAM. Perused plethora of documents placed on record by either party to the proceeding. Perused written statement filed by respondents and documents placed on record and marked as Exh-A to H. Exh-A is the complaint filed with CGRF. Exh-B is CIS copy of meter installed, Exh-C is the copy of complaint Dated 28/06/2012 and letter dated 08/07/2013, Exh-D is Meter test Report of Meter No-M 034302 @ replacement ID no-1257295, Exh-E is the consumption pattern from Jan-2012, Exh-DR /Cr worksheet of bill Of Oct-2015, Exh-F is the D,P.& interest worksheet and Bill of Dec 2015, Exh- H is the reply given by customer care department of BEST, Exh- Lab Test report of meter dated M 034302 shows that meter found defective as meter showing High voltage (256V) and due to meter showing High voltage accuracy of meter cannot be detected. It means meter was defective. In view of this aspect the Best was required to carry out amendment of bill for three months only as per regulation 15.4 of MERC Regulation 2005.
- 9.0 The complaint has vehemently argued that since 1stApril 2012 she has closed factory and in spite of this she is receiving High bills,(Exh-C). Thus the grievance of the complaint is that in spite of closing Factory she has received bills as if factory was working. The BEST undertaking has submitted that as per test report of meter they have carried out Dr/Cr and carved out DPC and IOA and given credit in the bill of Oct-2015 & Dec 2015.Thus according to best they have resolved the dispute and now no dispute is remained to be resolved.
- 10.0 We have cautiously gone through meter ledger folio i.e. the consumption pattern of defective meter No-M-034302 and it reveals that when according to complaint she has closed factory since 1st April 2012 then logically consumption since May 2012 must be less. But such is not the case as consumption shown is as under.

Year and Month	Units
May 2012	424
June-2012	432
July-2012	409
Aug-2012	666
Sept-2012	759
Oct-2012	663
Nov-2012	604
Dec-2012	408
Jan-2013	290
Feb-2013	292
March-2013	12
April 2013	348

11.0 Thus total units comes to be -5307 units. It appears that consumption does not appear to be similar. It is because of faulty meter as there was no display and due to High voltage (256v) accuracy of above meter cannot be tested. Under such circumstances it was expected from the complainant to the complaint of high bill on 28/06/2012 but no complaint has been filed. The complaint has been filed on 05/11/2012. They were supposed to test the Meter on spot as well as on Lab and resolved the dispute. The meter was tested on 22/04/2013 i.e. after 9 to 10 months and found defective. The Accuracy of the meter cannot be tested due to high voltage means it is case like that burnt meter and therefore Squarely covered under MERC Regulation 15.4 of 2005.

12.0 Considering the above aspect of the case we think it just and proper to reproduce MERC Regulation 15.4 of Regulation 2005.

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 addressed bill.

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

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.

13.0 Now we have to see as to whether the Best has properly carved out amendment for three months as per above regulation. We have carefully gone through the Exhibit F Dr/Cr worksheet as well Exhibit G, D.P. and Interest Worksheet. We wish to observe that the BEST has given amendment of three months unit As Average -49 units on the basis of units recorded by new installed Meter i.e. M 118150. It is against regulation. We wish to observe that Regulation came in to effect 2005 and up till now concerned best Employees do not know how to carry out amendment for 3 months as per regulation 15.4.This is sorrow affair on the part of Best employees. It is pertinent to note that best employees have again carved out DR/Cr on page no-163/c and shown credit of Rs. 33,768/-.This note bears signatures of all concerned office bearers of best pertaining to audit Dept. It appears that latter on signatures have been scratched out on said note of Dr/Cr dated 26/09/2013 and then prepared DR/Cr note on 24/09/2015. It reveals that in Dr/Cr note of 26/09/2013 average unit consumed for amendment per month is shown as 49 units for 8 to 10 months. It shows ignorance on

the part best Employees as to amendment for three months is to be carried out as per Regulation 15.4 of MERC Regulation 2005.

- 14.0 As we discussed above base period taken for amendment for three months is wrong and not as per regulation 15.4.therefore worksheet of Cr for DPC and IOA could not be held as proper and legal.
- 15.0 We have carefully gone through Complaint/applications filed by complainant and wish to observe that best authorities never properly looked in to her grievance and harassed her, though she appears to be senior citizen. We wish to observe that strict directions are required to be issued by Chief Engineer Customer care to concern employees dealing with customer care department, to give good treatment to consumer and to resolve the grievance within stipulated time that too without any delay. Now time has come to stipulate time for resolving the dispute and strict action is required to be taken on concerned officer responsible for delay. Best is supposed to safeguard the interest of customer being “GRAHAK DEOBHAVO”
- 16.0 Having regard to the above said reasons, we found substance in the grievance of complainant as the respondents have wrongly carried out amendment of three months without considering the base period as per Regulation 15.4 as well as not carved out IOA and DPC properly as meter being defective the complainant is only liable to pay by carving average of 12 months and charge unit for three months only and not for the period of whole defective period. Considering Electricity charges paid by complainant, it appears that as the complainant has paid more amount than that of legal liability.
- 17.0 Having cautiously considering the grievance of complainant and way in which the respondent has dealt with the grievance, we found substance in the complaint. The worksheet of DR/CR Dated 08/09/2015 as well as worksheet for carving IOA and DPC dated 09/12/2015 are required to be struck off. The respondent is directed to give effect to the regulation and base period as stated in regulation 15.4 and to carry out amendment of three months and not to charge DPC and IOA during the period of defective meter and issue revised bill for the period August 2012 till replacement of defective meter, deducting payments made by complainant as well as giving credit of DPC and IOA. If the complainant has paid excess amount then the same be adjusted in ensuing bills.
- 18.0 In the aforesaid observation and discussion we find substance in the complaint of consumer. The complaint therefore needs to be allowed as per directions in above Para no.17. Accordingly we do so.

ORDER

1. The complaint no. GN-289-2016 dtd. 22/02/2016 stands allowed.
2. The worksheet of Dr/Cr Dated 08/09/2015 as well as worksheet of Dr/Cr of Delay Payment Charges and Interest on arrears are hereby struck off.

3. The respondent is hereby directed to give effect as well as consider base period as per regulation 15.4 of MERC Regulation, 2005 pertaining to defective meter no. M 034302 to carry out amendment for the month August 2012 to October 2012, prior to November 2012 by considering base period of 12 months immediately preceding the period of three months of amendment and prepared fresh Dr/Cr as well as prepare Cr of Charging IOA & DPC and adjust electricity charges paid by complainant and issue revised bill within one month for receipt of order .
4. If the payment done by complainant more than that of legal liability, the said amount be adjusted in ensuing bills
5. The respondent is directed to report the compliance within one month of receipt of this order.
6. The copy of order be sent to Chief Engineer Customer care for information and for issuing necessary instruction if any.
7. 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