

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-E-339-2017 dtd. 14/11/2017

Shri Kamlesh J. MehtaComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Dr. M.S. Kamath, Member, CPO

On behalf of the Respondent : 1. Shri A.V. Naik, DECC(E)
2. Smt. P.V. Sutar, AAM CC(E)

On behalf of the Complainant : 1. Shri Kamlesh J. Mehta

Date of Hearing : 03/01/2018

Date of Order : 04/01/2018

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Kamlesh J. Mehta 302/B, Gold Coin CHSL, 35 A Malaviya Road, Haji Ali, Tardeo, Mumbai - 400 034 has come before the Forum for dispute regarding high bill pertaining to a/c no. 747-121-013.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 11/05/2017 for dispute regarding high bill pertaining to a/c no. 747-121-013. The complainant has approached to CGRF in schedule 'A' dtd. 13/11/2017 (received by CGRF on 13/11/2017) as the complainant was not satisfied by the remedy provided by the IGR Cell of Distribution Licensee on his grievance.

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

- 1.0 Electric supply is given to Shri Kamlesh J. Mehta through meter no. N093616 for residential purpose. The complainant has complained in Annexure 'C' dtd. 11/05/2017 stating that, his complaint is about high bill since the year 2008-2009 pertaining to old meter, which was replaced in the year 2014. Also new meter's (N113133) display is not readable, hence he is getting high bill.
- 2.0 After scrutiny of records, it was observed that, the Undertaking had not received any high bill complaint in the year 2008-2009. The complainant had given high bill complaint vide ID 1679224 dtd. 29/01/2014. Meter no. N093616 was tested on 11/02/2014 at site and found working properly. The complainant had complained about high bill through email dtd. 19/11/2015. ID no. 2560130 was generated for high bill complaint lodged by the complainant. On 24/11/2015, meter no. N093616 was tested on site and found working properly.
- 3.0 The complainant was not satisfied with the results of site testing of meter no. N093616. Hence, on 05/12/2015, meter no. N093616 was removed for lab testing (official testing) and meter no. N113133 was installed in place of meter no. N093616. Meter no. N093616 was tested in lab on 18/02/2016 and found "Display shows low battery, hence meter accuracy cannot be taken, RTC defective".
- 4.0 Hence, an amendment towards defective meter was preferred for the period 23/04/2015 to 23/12/2015 resulting in net credit of Rs. 48,562.80. Also DP charges amounting to Rs. 13,952.26 and penalty interest amounting to Rs. 1,999.41 for the period July 2015 to March 2016 was also refunded. Thus total credit of Rs. 64,514.17 was reflected in billing in July 2016.
- 5.0 The new meter N113133 was also tested at site on 05/08/2016 and found to be working properly. As the consumer is paying part payment, IOA and DP amount is saturated resulted in increase in billing amount to Rs. 2,05,990.00 as on October 2017. Thus consumer's bill is set right and consumer is requested to pay the same.

REASONS

- 1.0 We have heard argument of the complainant in person and for the Respondent BEST Undertaking Shri A.V. Naik, DECC(E) and Smt. P.V. Sutar, AAM CC(E). Perused the

documents filed by either parties to the proceeding. The Respondent BEST Undertaking has filed written statement along with documents marked at Exhibit 'A' to 'D'.

- 2.0 The complainant has vehemently submitted that since year 2008 he has made grievance about high bill and faulty meters but the Respondent BEST Undertaking has not taken any action and lastly he has filed complaint under Annexure 'C' on 11/05/2017. The Respondent BEST Undertaking has submitted that for the first time the complainant has filed complaint under Annexure 'C' on 11/05/2017 and therefore as per Regulation 6.6 of MERC (CGRF & EO) Regulation, 2006 the Forum shall not admit any grievance unless it is filed within two years from the date on which the cause of action has arisen.
- 3.0 Having regard to the above said submission the question arise before the Forum whether this Forum can look into the grievance of the complainant since before two years from the date of filing the Annexure 'C' on 11/05/2017. As per the above said regulation this Forum can only look into the grievance of the complainant before two years from date 11/05/2017 i.e. since 10/05/2015, as in Regulation 6.6 of MERC (CGRF &EO), Regulation, 2006 the word "shall" has been used which indicates the provisions are mandatory.
- 4.0 Having regards to this aspect of the case it is necessary on our part to discuss about the grievance of the complainant prior to 10/05/2015. We are saying so as question of limitation goes to very root of the matter and render the order illegal.
- 5.0 We have cautiously gone through the written submission filed by the Respondent BEST Undertaking in which they have contended that they have not received any high bill complaint in the year 2008-09 but on 29/01/2014 high bill complaint was lodged vide ID 1679244 after. After receipt of the said complaint, the meter no. N093616 was tested on 11/02/2014 on site and found working OK. They have further contended that on 29/01/2015 vide ID 2560130 high bill complaint was lodged by the complainant and pursuant to this complaint, the meter no. N093616 of EMCO make was tested on site on 24/11/2015 and found to be working properly. The complainant was not satisfied for the meter no. N093616 so they replaced the said meter by meter no. N113133 on 05/12/2015 for official testing. On 18/02/2016 meter was tested in presence of the consumer and found to be defective. When the amendment for defective meter was done for the period from 23/04/2015 to 23/12/2015, the Respondent BEST Undertaking has given credit of Rs. 64,514.47 to the complainant in the bill for the month of July 2016. Thus according to the Respondent BEST Undertaking in fact they were supposed to give amendment for three months but considering the grievance of the complainant they have given amendment for eight months.
- 6.0 Having regards to the above submission and after perusal of old record it appears that the complainant was not regular in payment of the electricity dues and therefore arrears are accumulated to the tune of Rs. 85,335.00 as on November 2010. Due to

accumulation of said arrears there is increase in amount by adding DPC and interest. This might be the reason as to why the complainant is asserting about the complaint of high bill. We have perused the meter ledger folio since 25/03/2000 till 29/12/2010 and it appears that considering this period the total consumption of unit was near about 47762. The record goes to show that out of arrears shown in the bill, the complainant has deposited the less amount and thereby there is increase in dues by adding DPC and interest.

7.0 We have perused the record i.e. letter dtd. 21/09/2017 sent by the Respondent BEST Undertaking to the complainant in which they have communicated to the complainant that meter no. N113133 tested and found to be working in limits of accuracy. The said letter depicts that meter was tested against caliber reference standard meter and testing was witnessed by the complainant. Considering all these documentary evidence and site testing report of earlier meters we do not find any grievance in the complaint raised by the complainant.

8.0 The Regulation 6.6 of MERC (CGRF & EO) Regulation, 2006, has been incorporated with a view to decide the case promptly on the basis of availability of the record with the Distribution Licensee. The said regulation provides limitation for the consumer to raise the dispute within two years from the date of cause of action. In the instant case the complainant has raised the dispute of 2008-09 for the first time in Annexure 'C' on 11/05/2017. We think it just and proper to reproduce the wording in Annexure 'C' which runs as under.

“The complaint is for high meter reading since 2008-09. The said complaint is for old meter which was taken on 2014-15. My claim is from 2008-09. Higher meter interest amount, I have objection. I have also objection on N113133 as this meter display is not readable. My last month bill has come very high”

9.0 Having regard to the period of grievance of the complainant the Forum cannot entertain it as per regulation 6.6 of MERC (CGRF & EO), Regulation 2006. As regards the grievance of the complainant regarding meter no. N093616, the same was replaced by N113133 on 05/12/2015 and they have given the amendment by giving credit of Rs. 64,514.47 in the bill for the month of July 2016. Thus we do not find any grievance in the complaint filed by the complainant. In result we pass the following order.

ORDER

1. The complaint no. N-E-339-2017 dtd. 14/11/2017 stands dismissed.
2. Copies of this order be given to both the parties.

Sd/-
(Dr. M.S. Kamath)
Member

Sd/-
(Shri V.G. Indrale)
Chairman