

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-314-2017 dtd. 06/02/2017

Shri Mohd Shafique A.R. QureshiComplainant

V/S

B.E.S.&T. UndertakingRespondent

Present

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.V. Fulpagare, Member
2. Shri S.M. Mohite, Member, CPO

On behalf of the Complainant : 1. Shri K.A. Kulkarni, Supdt. CC(G/N)
2. Smt. P.S. Kekane, AAM, CC(G/N)

On behalf of the Respondent : 1. Shri Farid Khan
2. Shri Shafique A.R. Qureshi

Date of Hearing : 22/03/2017

Date of Order : 05/04/2017

Judgment by Shri. Vinayak G. Indrale, Chairman

Shri Mohd Shafique A.R. Qureshi, GNM/95/343/, Gr. Floor, Hayat Compound, Dharavi Main Road, Nr. Vaibhav Bldg., Dharavi, Mumbai - 400 017 has come before the Forum for high bill complaint pertaining to a/c no. 781-230-197.

Complainant has submitted in brief as under :

The complainant has approached to IGR Cell on 01/01/2015 for high bill complaint pertaining to a/c no. 781-230-197. The complainant has approached to CGRF in schedule 'A' dtd. 01/02/2017 (received by CGRF on 02/02/2017) 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 :**

- 2.0 The electric supply was given to the complainant's premises under reference through meter no. A093470 from 28/010/2009 having a/c no. 781-230-197. This meter has recorded progressive monthly consumption less than 100 units upto April 2011. Meter no. A093470 had stopped recording consumption from May 2011. This meter was tested on site on 09/12/2011 and found 'No Display'. Hence meter no. A093470 was replaced by meter no. B108673 on 09/12/2011 vide ID 763777.
- 3.0 Meter no. B108673 had recorded monthly consumption between 220 units to 661 units from the date of its installation. On 18/09/2012 meter no. B108673 was tested on site and found working within permissible limits of accuracy. As the complainant was not satisfied with the test results, meter no. B108673 was replaced by meter no. E111831 on 18/09/2012.
- 4.0 Meter no. E111831 had recorded monthly consumption between 309 units to 677 units during the period from 18/09/2012 (date of installation) to 19/03/2015. On 06/01/2015 the Meter no. E111831 was tested on site and found off load working. Hence meter no. E111831 was replaced by meter no. C140211 on 30/03/2015. Meter no. E111831 was tested in lab on 14/05/2015 and found correct in accuracy test but RTC defect was noticed.
- 5.0 There was delay in updating meter no. E111831 in system for billing purpose, also RAMCRAM reading was not recorded properly. Meter no. E111831 had recorded consumption as 2617 units in August 2013. Necessary dr/cr was carried out resulting in net credit of Rs. 4,146.64 for giving slab benefit for the period 18/09/2012 (dt. of installation) to 18/07/2013 and amendment towards defective meter no. A093476 for three months period i.e. Sept. 2011 to Nov 2011 on the basis of new meter average of 476 units during the period June 2013 to June 2014. This amount was reflected in billing month October 2015. Also, Rs.2,114.49 towards DP charges and Rs. 18,461.00 towards interest for the period November 2012 to April 2015 was refunded through electricity bill for the month August 2016.
- 6.0 The complainant's meter was removed on 03/10/2016 for non-payment of arrears.

REASONS

- 7.0 We have heard the complainant in person and for the Respondent BEST Undertaking Shri K.A. Kulkarni, Supdt. CC(G/N) and Smt. P.S. Kekane, AAM, CC(G/N). Perused the documents placed before us. The Respondent BEST Undertaking has filed written submission along with documents marked at Exhibit 'A' to 'G'.
- 8.0 The complainant has vehemently submitted that since 2011 he has approached the IGRC of Respondent BEST Undertaking for the complaint of high bill. They did not resolved the dispute and therefore again on 01/01/2015 he had filed the complaint before IGRC. He has further submitted that he has taken the electric supply for his residential premises and therefore units recorded by meters provided by the Distribution Licensee were not showing the correct readings, so requested to correct the bill and issue the bill for legal dues. Against this the Respondent BEST Undertaking has submitted that initially they have provided meter bearing no. A093470 installed on 28/10/2009. On 09/12/2011 there was no display to the said meter therefore it was replaced by meter no. B108673. It is further submitted that on the complaint of the consumer they have replaced the meter bearing no. B108673 by meter no. E111831 and tested the replaced meter and it was found OK.
- 9.0 It is further submitted that the complainant has again made the complaint for high bill for recording the units by meter no. E111831 and therefore they have replaced it by meter no. C140211 which was removed on 03/10/2016 for non-payment of electricity dues.
- 10.0 Having regard to the nature of dispute between the parties we have cautiously gone through the record more particularly Meter Ledger Folio which has been placed on record at Exhibit 'D'. We have perused the same and it appears that the average units recorded by the meters is in between 309-677 units during the period of 18/09/2012 to 19/03/2015. The Respondent BEST Undertaking has placed on record test report of meter no. E111831 is at Exhibit 'E'. The said meter was tested on site and it was found OK. Thus we do not find any substance in the grievance of the complainant that the units recorded by the meter no. E111831 were not correct. The Respondent BEST Undertaking has also tested meter no. E111831 in lab and it was found correct in accuracy and dial test. The test report is at pg. 79/C.
- 11.0 We have gone through the record and it appears that the complainant has obtained the test reports of meter tested by filing the application under RTI Act. The said reports have been filed by the complainant from pg. no. 3 to 10. The complainant has submitted that the said meter was not tested in his presence but the record goes to show that the intimation was given to him about the date of testing of meter and he remained absent. Thus the complainant cannot blame the Respondent BEST Undertaking that meter was not tested in his presence.

- 12.0 We have gone through the Meter Ledger Folio which is at pg. no. 119/C and it appears that since the year 2011 to 2016 the complainant has made payment of electricity dues for 18 times. This shows that out of 72 monthly electricity bills issued to him he has made payment of only 18 bills and therefore the amount is increased due to charging of DP and interest. When the complainant himself was neglecting for payment of electricity dues then he could not blame the Respondent BEST Undertaking regarding charging of DP and interest as it has been charged as per regulation framed by MERC. The logic behind charging of DP and interest is that the Respondent BEST Undertaking is deprived from using the amount under electricity bills and therefore the consumer was liable to pay the DP and interest.
- 13.0 We have perused the record and it appears that the Respondent BEST Undertaking has refunded DP and interest for the period from November 2012 to April 2015 amounting to Rs. 2,114.49 and Rs. 18,461.00 respectively in the bill of August 2016. This conduct on the part of the Respondent BEST Undertaking goes to show that they have resolved the dispute by giving benefit to the consumer.
14. While hearing the argument, we have asked the complainant as to how many electric appliances have been affixed by him in the premises, he has submitted that he has fridge and his premises consists of ground floor + first floor which is having mezzanine floor. Considering the nature of premises in occupation of the complainant, it appears that he ought to have consumed the electricity supplied as recorded by the electric meters. It appears that after removing the meter the complainant has taken direct supply to the premises and therefore Vigilance Dept. initiated the case against him. The complainant has paid the penalty as carved out by the Vigilance Dept. and said case closed.
- 15.0 Having regard to the above said discussion we do not find any substance in the complaint of the complainant for high bill. We wish to observe that the complainant was not keen in proceeding with the complaint of high bill, we are saying so because in Schedule 'A' he has stated that he has file the complaint on 15/08/2011 for high bill but no such complaint has been placed on record and in reality if he has filed any complaint in that regard the complaint cannot be entertained because of MERC (CGRF & EO), 2006 Regulation 6.8 which runs as under.
- 6.8 *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.*
- 16.0 In view of the above provision, the Forum cannot entertain the dispute of the complainant for high bill for the period from 2011 to 2014. We have entertained grievance of the complainant of high bill for the period commencing from January 2015 on which date he has filed written application to IGRC and IGRC has passed the order on 23/05/2016. The said order passed by IGRC is at pg. no. 113/C. It appears that IGRC has caused inadvertent delay in passing the order which is not warranted on

their part, the best reason known to them as to why they have caused so much delay in passing the order.

- 17.0 For the above stated reasons we do not find any force in the grievance of the complainant regarding high bill complaint. The complainant has submitted that he is working as tempo driver and unable to pay the electricity dues at one stroke. He has requested to grant monthly installments for repayment of the electricity dues. The total amount due as on 07/04/2017 is Rs. 1,64,150.00. He has submitted that he can pay an amount of Rs. 30,000.00 in next month and he can pay remaining amount in twelve equal monthly installments.
- 18.0 The Forum cannot give a blind eye to the fact that the complainant's financial condition certainly unable him to pay said huge bill in one stroke, therefore there is warrant and justification to allow the complainant to pay electricity bill in installments waiving DP and interest thereon. Accordingly we proceed to pass the following order.

ORDER

1. The complaint no. N-GN-314-2017 dtd. 06/02/2017 stands allowed to the following extent only.
2. The Respondent BEST Undertaking is directed to allow the complainant to pay Rs. 30,000.00 out of his outstanding electricity bill of Rs. 1,64,150.00 on 15/05/2017 and to pay remaining outstanding bill of Rs. 1,34,150.00 in twelve equal monthly installments along with monthly bill, first installment shall commence on 15/06/2017 and 12th installment ends on 15/05/2018.
3. The Respondent BEST Undertaking has been directed to restore the electric supply to the complainant's premises on depositing Rs. 30,000.00.
4. The Respondent BEST Undertaking has been further directed to refrain from levying any interest and DP on the aforesaid outstanding bill to be paid by the complainant consumer. If the complainant fails to pay any of the installments then he is liable to DP and interest on the remaining outstanding amount.
5. Compliance of this order to be informed to the Forum within a period of one month there from.
6. Copies of this order be given to both the parties.

(Shri S.V. Fulpagare)
Member

(Shri S.M. Mohite)
Member

(Shri V.G. Indrale)
Chairman