

**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-F(N)-248-2015 dtd. 11/02/2015.**

Smt. Rajbai H. Gala .....Complainant

V/S

B.E.S.&T. Undertaking .....Respondent

**Present**

Chairman

Quorum : Shri V. G. Indrale, Chairman

Member

1. Shri S.S. Bansode, Member

On behalf of the Complainant : 1. Shri Chintan Gala  
2. Smt. Kamla Gala

On behalf of the Respondent : 1. Shri M.M. Bhonsle, DECC(F/N)  
1. Smt. T. Y. Rege, AAO-3 CC(F/N)

Date of Hearing : 24/03/2015

Date of Order : 01/04/2015

**Judgment by Shri. Vinayak G. Indrale, Chairman**

Smt. Rajbai H. Gala, 2<sup>nd</sup> floor, Room no. 8, Mahavir Bldg., Govt. Qrts. Wadala, Mumbai - 400 031 has come before the Forum for : High Bill complaint pertaining to A/c no.737-008-031\*3.

**Complainant has submitted in brief as under :**

The complainant has approached to IGR Cell on 08/08/2014 for high Bill complaint pertaining to A/c no.737-008-031\*3. The complainant has approached to CGRF in schedule 'A' dtd. NIL (received by CGRF on 10/02/2015) as she was not satisfied by the remedy provided by the IGR Cell Distribution Licensee regarding her grievance.

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

- 2.0 Meter No.D084655 was installed for premises of Smt.Rajbai H. Gala on 18-6-2009. The manufacturer's test report for Meter No.D084655 is enclosed. In the month of July, 2011, the meter registered low units. Hence site investigation carried out on 27-3-2012. It revealed that display of the meter was defective. The meter No.D084655 was replaced by meter No.B111386 and the meter no D084655 was removed for laboratory testing vide id no.881621 dated 27-3-2012. The meter No.D084655 was tested in our laboratory on 17-7-2012 wherein it showed meter was not showing display.
- 3.0 However while replacing the defective Meter No.D084655 by meter No.B111386, inadvertently it was wrongly updated as Meter No.B111387. Later on all slab benefit and waiver of DP and interest were carried out and has been credited to the consumer's account.
- 4.0 Here it may be noted that the earlier meter No.D084655 was CG make, which had a peculiar problem. It may be understood here that the entire batch of CG make meter was accurate in their functioning normally. However, due to a peculiar feature provided in the meter as anti-theft arrangement, used to mal-function in some typical circumstances and in such cases used to record highly abnormal reading. In order to give justice to the consumer in such cases the management of BEST has decided to replace the CG meter and even though the meter is accurate barring few months, amend the entire period of the meter on average consumption of the consumer. Necessary rectification by way of debit/credit was worked out.
- 5.0 The consumer was explained the debit/credit adjustment. Thereafter, she approached with an application dated 8-8-2014 in Annexure 'C' wherein she stated that they were in native place in July to October, 2011. The consumer explained that she needs to provide evidence that she was away at her native place to prove her contention so that the necessary benefit can be given.
- 6.0 However, no response was received from the consumer. In the meantime, site investigation of Meter No.B111386 was carried out and the meter was found flickering. Hence, meter No.B111386 was sent for laboratory testing and was replaced by meter No.E143537. The Meter No. B111386, EMCO make was tested in our laboratory in the presence of the consumer and found to be defective. Necessary rectification by way of amendment of Meter No.B111386 for the period from 28-6-2014 to 26-9-2014 and slab benefit for the period from 26-9-2014 to 11-11-2014 has also been carried out and the entire electricity bill of February, 2015 amounting to Rs.139930.00 is correct.

## REASONS

- 7.0 We have heard the argument of the Shri M.M. Bhonsle, DECC(F/N) for the Respondent BEST Undertaking and Shri Chintan Gala for the complainant. Perused documents filed by the complainant as well as the Respondent BEST Undertaking.
- 8.0 After considering the documents and arguments advanced by both the parties, it appears that the grievance of the complainant is only in respect of charging of electricity bill through meter no. D084655. As regards, the meter no. E143537 there is no dispute and the complainant is satisfied with the meter reading shown by the said meter.
- 9.0 After going through the grievance of the complainant it appears that the main grievance is regarding electricity bill for the month of September 2012 for 1703 units as well as electricity bill for the month of November 2012 for 1283 units and the electricity bill for the month of December 2012 for 5155 units. It is admitted fact that the meter no. D084655 was installed for the premises of the complainant on 18/06/2009. In the month of July 2011, the meter registered low units. When the site investigation was carried out on 27/03/2012, it revealed that display of the meter was defective. The said meter was tested in the lab and it was not showing display i.e. defective. Having regard to meter was defective, we have to reproduce the provisions of Regulation 15.4 which pertains to billing in event of defective meter.

*Regulation 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 the assessed 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.*

- 10.0 This Forum observes that for calculation of amendment the base period i.e. 15/09/2008 to 10/05/2009 considered by the Respondent BEST Undertaking is not in accordance with the provisions of Regulation 15.4. Considering the Regulation 15.4, the Respondent BEST Undertaking was required to take the average of consumption since July 2010 to June 2011 which comes to 167 units per month and the Respondent BEST Undertaking was required to charge the electricity bill up to maximum period of three months for total units of 501 units for period 08/07/2011 to 09/09/2011. In the instant case the Respondent BEST Undertaking has charged average bill for 404 units per month for the period of nine months and the period calculated by them is not as per the above said Regulation 15.4. Considering this legal position the Respondent BEST Undertaking was only entitled to charge electricity bill through the meter no. D084655 for 501 units i.e. for three months. Thus the complainant is entitled to receive revise bill by the Respondent BEST Undertaking by getting appropriate credit in his account along with waiver of DP and interest charged on that amount.
- 11.0 As regards the charging of electricity bill for 5155 units, it is the case of Respondent BEST Undertaking that meter no. D084655 was defective and when it was replaced by the meter no. B111386, inadvertently it was updated as meter no. B111387 and therefore there was remark in the Ledger Folio that 'meter not on board'. According to the complainant the said bill for 5155 units is excessive and not as per the consumption. In order to ascertain this fact we have gone through the ledger placed before us and it appears that the meter reading shown during that period as 'zero' units because of introduction of RAMCRAM machine the Ledger Folio become redundant. It appears that the Respondent BEST Undertaking bifurcated the units of 5155 in equal period and by giving the slab benefits as well as by waiving the DP and interest charges has given credit note to the complainant. This Forum do not find any substance in the grievance of the complainant regarding high electricity bill of 5155 units for the month of December 2012 issued to him by the Respondent BEST Undertaking.
- 12.0 It is the grievance of the complainant that during the period from July 2011 to October 2011 his house was locked as all family members had gone to native place and therefore the electricity bill issued for that period is not proper. This grievance of the complainant does not survive in Forum's view. According to the Respondent BEST Undertaking the consumer has failed to place on record any documentary evidence to show that during the period of July 2011 to October 2011 his house was locked. Thus this Forum do not find any merit in the submission of the complainant that his house was locked during the said period.
- 13.0 It appears that the meter no. B111386 was found flickering and therefore it was replaced by meter no. E143537. The complainant and the Respondent BEST Undertaking both have placed on record the test report at pg. no. 147 and it is found that it was getting pulse without load, meter accuracy cannot be taken, meter's applied voltage was 240, it shows 248 V and RTC defective. Considering this test report, it appears that the Respondent BEST Undertaking have rightly given the benefit

of Regulation 15.4 and the complainant has received total credit of Rs. 19,663.06 which appears in the electricity bill of February 2015 placed at Exhibit - C. It appears that the complainant / consumer was irregular in paying the electricity bills and therefore arrears have been accumulated resulted into DP charges and interest on that amount. For this, the complainant herself is required to be blamed.

- 14.0 Having regard to the above said reasons and considering the documentary evidence, this Forum finds substance in the grievance of the complainant regarding charging of electricity bills through meter no. D084655 as the Respondent BEST Undertaking has wrongly charged electricity bill for average 404 units for nine months for wrong period instead of charging average bill for three months for 501 units only as per Regulation 15.4.
- 15.0 Thus the Respondent BEST Undertaking is required to issue revise electricity bill in respect of electricity charges through meter no. D084655 charging bill for 501 units and give benefit of waiving DP charges and interest wrongly charged on the said amount. The complainant has requested to grant suitable installment for payment of electricity dues. However, considering the conduct of the complainant that she is irregular in payment of electricity bill, not incline to get any installment. Thus the complaint deserves to be partly allowed as under.

#### **ORDER**

1. The complaint no. N-F(N)-248-2015 dtd. 11/02/2015 stands partly allowed.
2. The Respondent BEST Undertaking is directed to issue revise electricity bill of 501 units through meter no. D084655 for three months of the period 08/07/2011 to 09/09/2011 by waiving DP charges and interest charged thereon i.e. the wrongly charged units from the period 08/07/2011 to 04/04/2012 only till date.
3. The Respondent BEST Undertaking is directed to comply with the order within one month's period from receipt of this order and report the compliance.
4. Copies of this order be given to both the parties.

(Shri S.S. Bansode)  
**Member**

(Shri V.G. Indrale)  
**Chairman**